

103^D CONGRESS
2^D SESSION

H. R. 4033

To assist in the prevention of crime by initiating a comprehensive community justice program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1994

Mr. SCHUMER introduced the following bill; which was referred jointly to the Committees on the Judiciary, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, and Government Operations

A BILL

To assist in the prevention of crime by initiating a comprehensive community justice program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Prevention and
5 Community Justice Act of 1994”.

6 **TITLE I—MODEL INTENSIVE**
7 **GRANT PROGRAMS**

8 **SEC. 101. GRANT AUTHORIZATION.**

9 (a) ESTABLISHMENT.—The Attorney General, who
10 may consult with the Secretary of Health and Human

1 Services and the Secretary of Housing and Urban Devel-
2 opment, is authorized to award grants to not more than
3 15 chronic high intensive crime areas to develop com-
4 prehensive model crime prevention programs that—

5 (1) involve and utilize a broad spectrum of com-
6 munity resources, including nonprofit community or-
7 ganizations, law enforcement organizations, and ap-
8 propriate State and Federal agencies;

9 (2) attempt to relieve conditions that encourage
10 crime; and

11 (3) provide meaningful and lasting alternatives
12 to involvement in crime.

13 (b) PRIORITY.—In awarding grants described in sub-
14 section (a), the Attorney General shall give priority to pro-
15 posals that—

16 (1) are innovative in approach to the prevention
17 of crime in a specific area; and

18 (2) vary in approach to ensure that compari-
19 sons of different models may be made.

20 **SEC. 102. USES OF FUNDS.**

21 (a) IN GENERAL.—Funds awarded under this title
22 may be used only for purposes described in an approved
23 application. The intent of grants under this title is to fund
24 intensively comprehensive crime prevention programs in
25 chronic high intensive crime areas.

1 (b) GUIDELINES.—The Attorney General shall issue
2 and publish in the Federal Register guidelines that de-
3 scribe suggested purposes for which funds under approved
4 programs may be used.

5 **SEC. 103. PROGRAM REQUIREMENTS.**

6 (a) DESCRIPTION.—An applicant shall include a de-
7 scription of the distinctive factors that contribute to
8 chronic violent crime within the area proposed to be served
9 by the grant. Such factors may include lack of alternative
10 activities and programs for youth, deterioration or lack of
11 public facilities, inadequate public services such as public
12 transportation, street lighting, community-based sub-
13 stance abuse treatment facilities, or employment services
14 offices, and inadequate police or public safety services,
15 equipment, or facilities.

16 (b) COMPREHENSIVE PLAN.—An applicant shall in-
17 clude a comprehensive, community-based plan to attack
18 intensively the principal factors identified in subsection
19 (a). Such plans shall describe the specific purposes for
20 which funds are proposed to be used and how each pur-
21 pose will address specific factors. The plan also shall speci-
22 fy how local nonprofit organizations, government agencies,
23 private businesses, citizens groups, volunteer organiza-
24 tions, and interested citizens will cooperate in carrying out
25 the purposes of the grant.

1 (c) EVALUATION.—An applicant shall include an
2 evaluation plan by which the success of the plan will be
3 measured, including the articulation of specific, objective
4 indicia of performance, how the indicia will be evaluated,
5 and a projected timetable for carrying out the evaluation.

6 **SEC. 104. APPLICATIONS.**

7 To request a grant under this title the chief local
8 elected official of an area shall—

9 (1) prepare and submit to the Attorney General
10 an application in such form, at such time, and in ac-
11 cordance with such procedures, as the Attorney Gen-
12 eral shall establish; and

13 (2) provide an assurance that funds received
14 under this title shall be used to supplement, not sup-
15 plant, non-Federal funds that would otherwise be
16 available for programs funded under this title.

17 **SEC. 105. REPORTS.**

18 Not later than December 31, 1998, the Attorney
19 General shall prepare and submit to the Committees on
20 the Judiciary of the House and Senate an evaluation of
21 the model programs developed under this title and make
22 recommendations regarding the implementation of a na-
23 tional crime prevention program.

24 **SEC. 106. DEFINITIONS.**

25 For purposes of this title:

1 (1) CHRONIC HIGH INTENSITY CRIME AREA.—

2 The term “chronic high intensity crime area” is an
3 area that meets criteria defined under regulations is-
4 sued by the Attorney General. The criteria adopted
5 by the Attorney General shall, at a minimum, define
6 areas with—

7 (A) consistently high rates of violent crime
8 as reported in the Federal Bureau of Investiga-
9 tion’s “Uniform Crime Reports”, and

10 (B) chronically high rates of poverty as de-
11 termined by the Bureau of the Census.

12 (2) CHIEF LOCAL ELECTED OFFICIAL.—The
13 term “chief local elected official” means an official
14 designated under regulations issued the Attorney
15 General. The criteria used by the Attorney General
16 in promulgating such regulations shall ensure ad-
17 ministrative efficiency and accountability in the ex-
18 penditure of funds and execution of funded projects
19 under this title.

20 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out
22 this title \$300,000,000 for each the fiscal years 1995,
23 1996, 1997, 1998, and 1999.

1 **TITLE II—OUNCE OF**
2 **PREVENTION GRANT PROGRAMS**
3 **Subtitle A—Ounce of Prevention**
4 **Grant Programs**

5 **SEC. 201. OUNCE OF PREVENTION COUNCIL.**

6 (a) IN GENERAL.—(1) The Secretary of Health and
7 Human Services shall convene an interagency Task Force
8 to be known as the Ounce of Prevention Council, which
9 shall be chaired by the Attorney General, the Secretary
10 of Education, and the Secretary of Health and Human
11 Services, and which also shall include the Secretary of
12 Housing and Urban Development, the Secretary of Labor,
13 the Secretary of Agriculture, and the Director of the Of-
14 fice of National Drug Control Policy.

15 (2) The Council may employ any necessary staff to
16 carry out its functions.

17 (3) The Council may delegate any of its functions or
18 powers to a member or members of the Council.

19 (b) ADMINISTRATIVE RESPONSIBILITIES AND POW-
20 ERS.—The Council shall advise and counsel the Secretary
21 regarding administration of the programs established by
22 this title. In consultation with the Council, the Secretary
23 may issue regulations and guidelines to carry out this title,
24 including specifications concerning application require-
25 ments, selection criteria, duration and renewal of grants,

1 evaluation requirements, matching funds, limitation of ad-
2 ministrative expenses, submission of reports by grantees,
3 recordkeeping by grantees, and access to books, records,
4 and documents maintained by grantees or other persons
5 for purposes of audit or examination.

6 (c) TARGETING OF ASSISTANCE FOR DISTRESSED
7 COMMUNITIES AND INDIVIDUALS WITH PARTICULAR
8 NEEDS.—In consultation with the Council, the Secretary
9 shall adopt regulations or guidelines to ensure that fund-
10 ing provided under this title shall be used primarily for—

11 (1) assistance in communities that are dis-
12 tressed as indicated by such factors as high
13 incidences of crime, juvenile delinquency, gang in-
14 volvement, substance abuse, unemployment, school
15 dropouts, or pregnancy among adolescents; and

16 (2) assistance for individuals in any area who
17 are particularly in need of the assistance for such
18 reasons as involvement in juvenile delinquency,
19 gangs, or substance abuse, unemployability, drop-
20 ping out of school, or pregnancy during adolescence,
21 or being at risk of such conditions.

22 **SEC. 202. OUNCE OF PREVENTION GRANT PROGRAM.**

23 (a) IN GENERAL.—The Secretary, on behalf of the
24 Council, may make grants to States, local governments,

1 educational institutions, eligible coalitions, and other pub-
2 lic and private entities, for—

3 (1) summer and after-school (including weekend
4 and holiday education and recreation) programs;

5 (2) mentoring, tutoring, and other programs in-
6 volving participation by adult role models;

7 (3) programs assisting and promoting employ-
8 ability and job placement; and

9 (4) substance abuse treatment and prevention,
10 including outreach programs for at-risk families.

11 (b) PRIORITY.—In making such grants, the Secretary
12 shall give preference to eligible coalitions as defined in
13 subsection (c).

14 (c) DEFINITION.—For purposes of this section, the
15 term “eligible coalition” means an association, consisting
16 of at least 9 community-based and social service organiza-
17 tions, that have a coordinated team approach to reducing
18 gang membership and the effects of substance abuse, and
19 providing alternatives to at-risk youth.

20 **SEC. 203. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
21 **UATION.**

22 (a) TECHNICAL ASSISTANCE AND TRAINING.—The
23 Secretary on behalf of the Council may provide technical
24 assistance and training in furtherance of the purposes of
25 this title.

1 (b) EVALUATIONS.—In addition to any evaluation re-
2 quirements that may be prescribed for grantees, the Sec-
3 retary may carry out or make arrangements for evalua-
4 tions of programs that receive support under this title, in-
5 cluding assessments of the effectiveness of the programs
6 in reducing delinquency, gang involvement, substance
7 abuse, school drop-out rates, and adolescent pregnancy,
8 and in increasing employability and employment.

9 (c) ADMINISTRATION.—The technical assistance,
10 training, and evaluations authorized by this section may
11 be carried out directly by the Secretary, the Council or
12 any of its members, or through grants, contracts, or other
13 cooperative arrangements with other entities.

14 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated \$150,000,000 for each of the fiscal years 1995
17 through 1999 to carry out the purposes of this title.

18 (b) ADDITIONAL AUTHORIZATIONS.—In addition to
19 the amounts authorized under subsection (a)—

20 (1) there are authorized to be appropriated
21 \$100,000,000 for each of such fiscal years to carry
22 out the purposes of subtitle B; and

23 (2) there are authorized to be appropriated
24 \$5,000,000 for each of such fiscal years for the ad-

1 ministrative costs of the Council established under
2 subtitle A.

3 **Subtitle B—Family and Community**
4 **Endeavor Schools Grant Program**

5 **SEC. 211. PROGRAM AUTHORITY.**

6 (a) IN GENERAL.—

7 (1) ALLOCATIONS FOR STATES.—For a fiscal
8 year in which the sums reserved by the Secretary
9 from the amounts appropriated for this title to carry
10 out this section equal or exceed \$20,000,000, the
11 Secretary shall allocate to community-based organi-
12 zations in each State, an amount bearing the same
13 ratio to such sums as the number of children in the
14 State who are from families with incomes below the
15 poverty line bears to the number of children in all
16 States who are from families with incomes below the
17 poverty line.

18 (2) GRANTS TO COMMUNITY-BASED ORGANIZA-
19 TIONS FROM ALLOCATIONS.—For such a fiscal year,
20 the Secretary may award grants from the appro-
21 priate State allocation determined under paragraph
22 (1) on a competitive basis to eligible community-
23 based organizations to pay for the Federal share of
24 assisting eligible communities to develop and carry
25 out programs in accordance with this section.

1 (3) REALLOCATION.—If, at the end of such a
2 fiscal year, the Secretary determines that funds allo-
3 cated for community-based organizations in a State
4 remain unobligated, the Council may use such funds
5 to award grants to eligible community-based organi-
6 zations in another State to pay for such Federal
7 share. Amounts made available through such grants
8 shall remain available until expended.

9 (b) OTHER FISCAL YEARS.—For any fiscal year in
10 which the sums reserved by the Secretary from amounts
11 appropriated for this title to carry out this section are less
12 than \$20,000,000, the Secretary may award grants on a
13 competitive basis to eligible community-based organiza-
14 tions to pay for the Federal share of assisting eligible com-
15 munities to develop and carry out programs in accordance
16 with this section.

17 **SEC. 212. PROGRAM REQUIREMENTS.**

18 (a) LOCATION.—A community-based organization
19 that receives a grant under this section to assist in carry-
20 ing out such a program shall ensure that the program is
21 carried out—

22 (1) where appropriate, in the facilities of a pub-
23 lic school; or

24 (2) in another appropriate local facility in a
25 State, such as a college or university, a local or

1 State park or recreation center, church, or military
2 base, that is—

3 (A) in a location that is easily accessible to
4 children in the community; and

5 (B) in compliance with all applicable local
6 ordinances.

7 (b) USE OF FUNDS.—Such community-based organi-
8 zation—

9 (1) shall use funds made available through the
10 grant to provide, to children in the eligible commu-
11 nity, services and activities that—

12 (A) shall include supervised sports pro-
13 grams, and extracurricular and academic pro-
14 grams, that are offered—

15 (i) after school and on weekends and
16 holidays, during the school year; and

17 (ii) as daily full-day programs (to the
18 extent available resources permit) or as
19 part-day programs, during the summer
20 months;

21 (2) in providing such extracurricular and aca-
22 demic programs, shall provide programs such as cur-
23 riculum-based supervised educational programs,
24 work force preparation, entrepreneurship, cultural
25 programs, arts and crafts, and health programs,

1 dance programs, tutorial and mentoring programs,
2 and other related activities;

3 (3) may use such funds—

4 (A) for the renovation of facilities that are
5 in existence prior to the operation of the pro-
6 gram for which the organization receives the
7 grant; and

8 (B) to develop or expand school programs
9 (including programs that provide a variety of
10 additional services to help meet the comprehen-
11 sive needs of students, such as homework as-
12 sistance and after-school programs (including
13 educational, social, and athletic activities), nu-
14 trition services, family counseling, and parental
15 training programs) that are designed to im-
16 prove academic and social development of at-
17 risk children by instituting a collaborative
18 structure that trains and coordinates the efforts
19 of teachers, administrators, social workers,
20 guidance counselors, parents, and school volun-
21 teers to provide concurrent social services for
22 at-risk students in the daily academic curricu-
23 lum at public schools in the eligible community;
24 and

1 (4) may not use such funds to provide sectarian
2 worship or instruction.

3 **SEC. 213. ELIGIBLE COMMUNITY IDENTIFICATION.**

4 (a) IDENTIFICATION.—To be eligible to receive a
5 grant under this section, a community-based organization
6 shall identify an eligible community to be assisted under
7 this section.

8 (b) CRITERIA.—Such eligible community shall be an
9 area that meets such criteria with respect to significant
10 poverty and significant juvenile delinquency, and such
11 additional criteria, as the Secretary may by regulation
12 require.

13 **SEC. 214. APPLICATIONS.**

14 (a) APPLICATION REQUIRED.—To be eligible to re-
15 ceive a grant under this section, a community-based orga-
16 nization shall submit an application to the Secretary at
17 such time, in such manner, and accompanied by such in-
18 formation, as the Secretary may reasonably require, and
19 obtain approval of such application.

20 (b) CONTENTS OF APPLICATION.—Each application
21 submitted pursuant to paragraph (1) shall—

22 (1) describe the activities and services to be
23 provided through the program for which the grant is
24 sought;

1 (2) contain an assurance that the community-
2 based organization will spend grant funds received
3 under this section in a manner that the community-
4 based organization determines will best accomplish
5 the objectives of this section;

6 (3) contain a comprehensive plan for the pro-
7 gram that is designed to achieve identifiable goals
8 for children in the eligible community;

9 (4) set forth measurable goals and outcomes for
10 the program that—

11 (A) will—

12 (i) where appropriate, make a public
13 school the focal point of the eligible com-
14 munity; or

15 (ii) make a local facility described in
16 section 212(a)(2) such a focal point; and

17 (B) may include reducing the percentage
18 of children in the eligible community that enter
19 the juvenile justice system, increasing the grad-
20 uation rates, school attendance, and academic
21 success of children in the eligible community,
22 and improving the skills of program partici-
23 pants;

24 (5) provide evidence of support for accomplish-
25 ing such goals and outcomes from—

1 (A) community leaders;

2 (B) businesses;

3 (C) a school district;

4 (D) local officials;

5 (E) State officials; and

6 (F) other organizations that the commu-
7 nity-based organization determines to be appro-
8 priate;

9 (6) contain an assurance that the community-
10 based organization will use grant funds received
11 under this section to provide children in the eligible
12 community with activities and services that shall in-
13 clude supervised sports programs, and extra-
14 curricular and academic programs, in accordance
15 with section 212(b);

16 (7) contain a list of the activities and services
17 that will be offered through the program for which
18 the grant is sought and sponsored by private non-
19 profit organizations, individuals, and groups serving
20 the eligible community, including—

21 (A) extracurricular and academic pro-
22 grams, such as programs described in section
23 212(b)(2); and

24 (B) activities that address specific needs in
25 the community;

1 (8) demonstrate the manner in which the com-
2 munity-based organization will make use of the re-
3 sources, expertise, and commitment of private enti-
4 ties in carrying out the program for which the grant
5 is sought;

6 (9) include an estimate of the number of chil-
7 dren in the eligible community expected to be served
8 pursuant to the program;

9 (10) include a description of charitable private
10 resources, and all other resources, that will be made
11 available to achieve the goals of the program;

12 (11) contain an assurance that the community-
13 based organization will use competitive procedures
14 when purchasing, contracting, or otherwise providing
15 for goods, activities, or services to carry out pro-
16 grams under this section;

17 (12) contain an assurance that the program will
18 maintain a staff-to-participant ratio that is appro-
19 priate to the activity or service provided by the
20 program;

21 (13) contain an assurance that the community-
22 based organization will comply with any evaluation
23 under section 219, any research effort authorized
24 under Federal law, and any investigation by the
25 Secretary;

1 (14) contain an assurance that the community-
2 based organization shall prepare and submit to the
3 Secretary an annual report regarding any program
4 conducted under this section;

5 (15) contain an assurance that the program for
6 which the grant is sought will, to the maximum ex-
7 tent possible, incorporate services that are—

8 (A) provided by program volunteers, par-
9 ents, adult mentors, social workers, drug and
10 alcohol abuse counselors, teachers, or other per-
11 sons providing tutoring and college or voca-
12 tional preparation; and

13 (B) provided solely through non-Federal
14 private and nonprofit sources; and

15 (16) contain an assurance that the community-
16 based organization will maintain separate accounting
17 records for the program.

18 (c) PRIORITY.—In awarding grants to carry out pro-
19 grams under this section, the Secretary shall give priority
20 to community-based organizations who submit applica-
21 tions that demonstrate the greatest effort in generating
22 local support for the programs.

23 **SEC. 215. ELIGIBILITY OF PARTICIPANTS.**

24 (a) IN GENERAL.—To the extent possible, each child
25 who resides in an eligible community shall be eligible to

1 participate in a program carried out in such community
2 that receives assistance under this section.

3 (b) EXCLUSION.—

4 (1) NONDISCRIMINATION.—Except as provided
5 in paragraph (2), in selecting children to participate
6 in a program that receives assistance under this sec-
7 tion, a community-based organization shall not dis-
8 criminate on the basis of race, color, religion, sex,
9 national origin, or disability.

10 (2) EXCEPTION.—In selecting children to par-
11 ticipate in a program that receives assistance under
12 this section, a community-based organization may
13 exclude a child from participation in such a program
14 if the organization determines that the child has be-
15 havior problems that pose an unacceptable risk of
16 injury or illness to other participants or has a phys-
17 ical or mental disability so serious that the child
18 would be unable to participate in the program with
19 reasonable accommodation.

20 (3) PARENTAL APPROVAL.—To be eligible to
21 participate in a program that receives assistance
22 under this section, a child shall provide the express
23 written approval of a parent or guardian, and shall
24 submit an official application that agrees to the

1 terms and conditions of participation in the pro-
2 gram.

3 **SEC. 216. PEER REVIEW PANEL.**

4 (a) ESTABLISHMENT.—The Secretary shall establish
5 a peer review panel that shall be comprised of individuals
6 with demonstrated experience in designing and implement-
7 ing community-based programs.

8 (b) COMPOSITION.—Such panel shall include at least
9 1 representative from each of the following:

10 (1) A community-based organization.

11 (2) A local government.

12 (3) A school district.

13 (4) The private sector.

14 (5) A charitable organization.

15 (c) FUNCTIONS.—Such panel shall conduct the initial
16 review of all grant applications received by the Secretary
17 under section 214, make recommendations to the Sec-
18 retary regarding—

19 (1) grant funding under this section; and

20 (2) a design for the evaluation of programs as-
21 sisted under this section.

22 **SEC. 217. INVESTIGATIONS AND INSPECTIONS.**

23 The Secretary may conduct such investigations and
24 inspections as may be necessary to ensure compliance with
25 the provisions of this section.

1 **SEC. 218. FEDERAL SHARE.**

2 (a) PAYMENTS, FEDERAL SHARE, NON-FEDERAL
3 SHARE.—

4 (1) PAYMENTS.—The Secretary shall, subject to
5 the availability of appropriations, pay to each com-
6 munity-based organization having an application ap-
7 proved under section 214 the Federal share of the
8 costs of developing and carrying out programs re-
9 ferred to in section 211.

10 (2) FEDERAL SHARE.—The Federal share of
11 such costs shall be 70 percent for each of the fiscal
12 years 1995, 1996, 1997, and 1998.

13 (b) NON-FEDERAL SHARE.—

14 (1) IN GENERAL.—The non-Federal share of
15 such costs may be in cash or in kind, fairly evalu-
16 ated, including plant, equipment, and services (in-
17 cluding the services described in section 214(b)(16).

18 (2) SPECIAL RULE.—At least 15 percent of the
19 non-Federal share of such costs shall be provided
20 from private or nonprofit sources.

21 **SEC. 219. EVALUATION.**

22 The Secretary shall conduct a thorough evaluation of
23 the programs assisted under this section, which shall in-
24 clude an assessment of—

25 (1) the number of children participating in each
26 program assisted under this section;

- 1 (2) the academic achievement of such children;
- 2 (3) school attendance and graduation rates of
- 3 such children; and
- 4 (4) the number of such children being processed
- 5 by the juvenile justice system.

6 **SEC. 220. DEFINITIONS.**

7 As used in this subtitle:

8 (1) CHILD.—The term “child” means an indi-
9 vidual who is not younger than 5 and not older than
10 18.

11 (2) COMMUNITY-BASED ORGANIZATION.—The
12 term “community-based organization” means a pri-
13 vate, locally initiated community-based organization
14 that—

15 (A) is a nonprofit organization, as defined
16 in section 103(23) of the Juvenile Justice and
17 Delinquency Prevention Act of 1974 (42 U.S.C.
18 5603(23)); and

19 (B) is operated by a consortium of service
20 providers, consisting of representatives of 5 or
21 more of the following categories of persons:

22 (i) Residents of the community.

23 (ii) Business and civic leaders actively
24 involved in providing employment and busi-

1 ness development opportunities in the com-
2 munity.

3 (iii) Educators and organizations of
4 learning (such as local education agencies).

5 (iv) Student organizations.

6 (v) Law enforcement agencies.

7 (vi) Public housing agencies.

8 (vii) State government.

9 (viii) Other public agencies.

10 (ix) Other interested parties.

11 (3) ELIGIBLE COMMUNITY.—The term “eligible
12 community” means an area identified pursuant to
13 section 220.

14 (4) POVERTY LINE.—The term “poverty line”
15 means the income official poverty line (as defined by
16 the Office of Management and Budget, and revised
17 annually in accordance with section 673(2) of the
18 Community Services Block Grant Act (42 U.S.C.
19 9902(2)) applicable to a family of the size involved.

20 (5) PUBLIC SCHOOL.—The term “public
21 school” means a public elementary school, as defined
22 in section 1201(i) of the Higher Education Act of
23 1965 (20 U.S.C. 1141(i), and a public secondary
24 school, as defined in section 1201(d) of such Act.

1 (6) STATE.—The term “State” means each of
2 the several States of the United States, the District
3 of Columbia, the Commonwealth of Puerto Rico, the
4 Commonwealth of the Northern Mariana Islands,
5 American Samoa, Guam, and the United States Vir-
6 gin Islands.

7 **TITLE III—POLICE**
8 **PARTNERSHIP FOR CHILDREN**

9 **SEC. 301. DEFINITION.**

10 As used in this title, “partnership” means a coopera-
11 tive arrangement or association involving one or more law
12 enforcement agencies, and one or more public or private
13 agencies that provide child or family services.

14 **SEC. 302. GRANT AUTHORITY.**

15 (a) PARTNERSHIP GRANTS.—The Attorney General,
16 in consultation with the Secretary of Health and Human
17 Services, may make grants to partnerships for—

18 (1) teams or units involving participants from
19 both the law enforcement and child or family serv-
20 ices components of the partnership that respond to
21 or deal with violent incidents in which a child is in-
22 volved as a perpetrator, witness, or victim, such as
23 teams or units that provide a 24-hour crisis response
24 or consultation service in relation to such incidents;

1 (2) training for law enforcement officers re-
2 garding behavior, psychology, family systems, and
3 community culture and attitudes that is relevant to
4 dealing with children who are involved in violent in-
5 cidents or at risk of involvement in such incidents,
6 or with families of such children; and

7 (3) programs for children and families that are
8 designed jointly by the law enforcement and child or
9 family services components of the partnership, in-
10 cluding programs providing 24-hour response to cri-
11 sis situations affecting children and such other pro-
12 grams as programs that provide training in non-
13 violent conflict resolution, after-school activity and
14 neighborhood recreation programs, parent support
15 groups that are led jointly by child or family services
16 and law enforcement personnel, and mentoring
17 programs.

18 (b) GRANTS FOR POLICE RESIDENCE IN HIGH
19 CRIME AREAS.—The Attorney General, in consultation
20 with the Secretary of Housing and Urban Development,
21 may make grants to units of State or local government,
22 public housing authorities, owners of federally assisted
23 housing, and owners of housing in high crime areas in
24 order to provide dwelling units to law enforcement officers
25 without charge or at or substantially reduced rent for the

1 purpose of providing greater security for residents of high
2 crime areas.

3 **SEC. 303. ADMINISTRATION.**

4 (a) USE OF COMPONENTS.—The Attorney General
5 may utilize any component or components of the Depart-
6 ment of Justice in carrying out this title.

7 (b) REGULATORY AUTHORITY.—The Attorney Gen-
8 eral may issue regulations and guidelines to carry out this
9 title, including specifications concerning application re-
10 quirements, selection criteria, duration and renewal of
11 grants, evaluation requirements, matching funds, limita-
12 tion of administrative expenses, submission of reports by
13 grantees, recordkeeping by grantees, and access to books,
14 records, and documents maintained by grantees or other
15 persons for purposes of audit or examination.

16 (c) APPLICATIONS.—In addition to any other require-
17 ments that may be specified by the Attorney General—

18 (1) an application for a grant under section
19 301(a) of this title shall—

20 (A) certify that the applicant is a partner-
21 ship as defined in section 301, or a law enforce-
22 ment agency or public or private child or family
23 services agency that is participating in a part-
24 nership and seeking support on behalf of the
25 partnership;

1 (B) include a long-term strategy and de-
2 tailed implementation plan;

3 (C) certify that the Federal support pro-
4 vided under this title will be used to supple-
5 ment, and not supplant, State and local sources
6 of funding that would otherwise be available;

7 (D) identify any related governmental or
8 community initiatives which complement or will
9 be coordinated with the proposal; and

10 (E) specify plans for obtaining necessary
11 support and continuing the proposed program
12 following the conclusion of Federal support;

13 (2) an application for a grant under section
14 302(b) shall—

15 (A) certify that there has been appropriate
16 consultation with the employing agency of any
17 law enforcement officer who is to be provided
18 with a dwelling unit;

19 (B) identify any related governmental or
20 community initiatives which complement or will
21 be coordinated with the proposal;

22 (C) certify that the Federal support pro-
23 vided will be used to supplement, and not sup-
24 plant, State and local sources of funding that
25 would otherwise be available; and

1 (D) provide assurances that local police of-
2 ficers will not be required to reside in resi-
3 dences funded under this title.

4 (d) MATCHING FUNDS.—The portion of the costs of
5 a program provided by a grant under this title may not
6 exceed 75 percent, unless the Attorney General waives,
7 wholly or in part, the requirement under this subsection
8 of a non-Federal contribution to the costs of a program.

9 (e) FUNDING PRIORITY.—In making grants under
10 section 302(a), the Attorney General shall give priority to
11 applications by partnerships involving law enforcement
12 agencies that engage in community-oriented policing for
13 programs assisting distressed communities or populations
14 with a high incidence of violence affecting children.

15 **SEC. 304. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
16 **UATION.**

17 (a) TECHNICAL ASSISTANCE AND TRAINING.—The
18 Attorney General may provide technical assistance and
19 training to further the purposes of this title.

20 (b) EVALUATIONS.—In addition to any evaluation re-
21 quirements that may be prescribed for grantees, the Attor-
22 ney General may carry out or make arrangements for eval-
23 uations of programs that receive support under this title.

24 (c) ADMINISTRATION.—The technical assistance,
25 training, and evaluations authorized by this section may

1 be carried out directly by the Attorney General, or through
2 grants, contracts, or other cooperative arrangements with
3 other entities.

4 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated \$20,000,000 in fiscal year 1995, and such sums
7 as may be necessary in each of fiscal years 1996 through
8 1999 to carry out this title.

9 (b) LIMITATION.—Not more than 50 percent of the
10 funds made available in a fiscal year for this title may
11 be expended for grants under section 302(b).

12 **TITLE IV—MIDNIGHT SPORTS**

13 **SEC. 401. GRANTS FOR MIDNIGHT SPORTS LEAGUE**
14 **ANTICRIME PROGRAMS.**

15 (a) AUTHORITY.—The Attorney General of the
16 United States, in consultation with the Secretary of Hous-
17 ing and Urban Development, shall make grants, to the ex-
18 tent that amounts are approved in appropriations Acts
19 under subsection (k) to eligible entities to assist such enti-
20 ties in carrying out midnight sports league programs
21 meeting the requirements of subsection (d).

22 (b) ELIGIBLE ENTITIES.—

23 (1) IN GENERAL.—Grants under subsection (a)
24 may be made only to the following eligible entities:

1 (A) Entities eligible under section 520(b)
2 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 11903a(b)) for a grant
4 under section 520(a) of such Act.

5 (B) Nonprofit organizations providing
6 crime prevention, employment counseling, job
7 training, or other educational services.

8 (C) Nonprofit organizations providing fed-
9 erally-assisted low-income housing.

10 (2) PROHIBITION ON SECOND GRANTS.—A
11 grant under subsection (a) may not be made to an
12 eligible entity if the entity previously received a
13 grant under such subsection.

14 (c) USE OF GRANT AMOUNTS.—Any eligible entity
15 that receives a grant under subsection (a) may use the
16 grant only—

17 (1) to establish or carry out a midnight sports
18 league program under subsection (d);

19 (2) for salaries for administrators and staff of
20 the program;

21 (3) for other administrative costs of the pro-
22 gram, except that not more than 5 percent of the
23 grant may be used for such administrative costs;
24 and

1 (4) for costs of training and assistance provided
2 under subsection (d)(9).

3 (d) PROGRAM REQUIREMENTS.—Each eligible entity
4 receiving a grant under subsection (a) shall establish a
5 midnight sports league program as follows:

6 (1) The program shall establish a sports league
7 of not less than 8 teams having 10 players each.

8 (2) Not less than 50 percent of the players in
9 the sports league shall be residents of federally as-
10 sisted low-income housing.

11 (3) The program shall be designed to serve pri-
12 marily youths and young adults from a neighborhood
13 or community whose population has not less than 2
14 of the following characteristics (in comparison with
15 national averages):

16 (A) A substantial problem regarding use or
17 sale of illegal drugs.

18 (B) A high incidence of crimes committed
19 by youths or young adults.

20 (C) A high incidence of persons infected
21 with the human immunodeficiency virus or sex-
22 ually transmitted diseases.

23 (D) A high incidence of pregnancy, or a
24 high birth rate, among adolescents.

1 (E) A high unemployment rate for youths
2 and young adults.

3 (F) A high rate of high school drop-outs.

4 (4) The program shall require each player in
5 the league to attend employment counseling, job
6 training, and other educational classes provided
7 under the program, which shall be held in conjunc-
8 tion with league sports games at or near the site of
9 the games.

10 (5) The program shall serve only youths and
11 young adults who demonstrate a need for such coun-
12 seling, training, and education provided by the pro-
13 gram, in accordance with criteria for demonstrating
14 need, which shall be established by the Attorney
15 General in consultation with the Secretary of Hous-
16 ing and Urban Development and the Secretary of
17 Labor, and with the Advisory Committee.

18 (6) The program shall obtain sponsors for each
19 team in the sports league. Sponsors shall be private
20 individuals or businesses in the neighborhood or
21 community served by the program who make finan-
22 cial contributions to the program and participate in
23 or supplement the employment, job training, and
24 educational services provided to the players under

1 the program with additional training or educational
2 opportunities.

3 (7) The program shall comply with any criteria
4 established by the Attorney General in consultation
5 with the Secretary of Housing and Urban Develop-
6 ment and with the Advisory Committee.

7 (e) GRANT AMOUNT LIMITATIONS.—

8 (1) PRIVATE CONTRIBUTIONS.—The Attorney
9 General, in consultation with the Secretary of Hous-
10 ing and Urban Development, may not make a grant
11 under subsection (a) to an eligible entity that applies
12 for a grant under subsection (f) unless the applicant
13 entity certifies to the Attorney General and the Sec-
14 retary that the entity will supplement the grant
15 amounts with amounts of funds from non-Federal
16 sources, as follows:

17 (A) In each of the first 2 years that
18 amounts from the grant are disbursed (under
19 paragraph (5)), an amount sufficient to provide
20 not less than 35 percent of the cost of carrying
21 out the midnight sports league program.

22 (B) In each of the last 3 years that
23 amounts from the grant are disbursed, an
24 amount sufficient to provide not less than 50

1 percent of the cost of carrying out the midnight
2 sports league program.

3 (2) NON-FEDERAL FUNDS.—For purposes of
4 this subsection, the term “funds from non-Federal
5 sources” includes amounts from nonprofit organiza-
6 tions, public housing agencies, States, units of gen-
7 eral local government, and Indian housing authori-
8 ties, private contributions, any salary paid to staff
9 (other than from grant amounts under subsection
10 (a)) to carry out the program of the eligible entity,
11 in-kind contributions to carry out the program (as
12 determined by the Attorney General, in consultation
13 with the Secretary of Housing and Urban Develop-
14 ment and with the Advisory Committee), the value
15 of any donated material, equipment, or building, the
16 value of any lease on a building, the value of any
17 utilities provided, and the value of any time and
18 services contributed by volunteers to carry out the
19 program of the eligible entity.

20 (3) PROHIBITION ON SUBSTITUTION OF
21 FUNDS.—Grants made under subsection (a), and
22 amounts provided by States and units of general
23 local government to supplement the grants, may not
24 be used to replace other public funds previously
25 used, or designated for use, under this section.

1 (4) MAXIMUM AND MINIMUM GRANT
2 AMOUNTS.—The Attorney General, in consultation
3 with the Secretary of Housing and Urban Develop-
4 ment, may not make a grant under subsection (a) to
5 any single eligible entity in an amount less than
6 \$50,000 or exceeding \$125,000.

7 (5) DISBURSEMENT.—Each grant made under
8 subsection (a)(1) shall be disbursed to the eligible
9 entity receiving the grant over the 5-year period be-
10 ginning on the date that the entity is selected to re-
11 ceive the grant, as follows:

12 (A) In each of the first 2 years of such 5-
13 year period, 23 percent of the total grant
14 amount shall be disbursed to the entity.

15 (B) In each of the last 3 years of such 5-
16 year period, 18 percent of the total grant
17 amount shall be disbursed to the entity.

18 (f) APPLICATIONS.—To be eligible to receive a grant
19 under subsection (a), an eligible entity shall submit to the
20 Attorney General an application in the form and manner
21 required by the Attorney General (after consultation with
22 the Secretary of Housing and Urban Development and
23 with the Advisory Committee), which shall include—

24 (1) a description of the midnight sports league
25 program to be carried out by the entity, including a

1 description of the employment counseling, job train-
2 ing, and other educational services to be provided;

3 (2) letters of agreement from service providers
4 to provide training and counseling services required
5 under subsection (d) and a description of such serv-
6 ice providers;

7 (3) letters of agreement providing for facilities
8 for sports games and counseling, training, and edu-
9 cational services required under subsection (d) and
10 a description of the facilities;

11 (4) a list of persons and businesses from the
12 community served by the program who have ex-
13 pressed interest in sponsoring, or have made com-
14 mitments to sponsor, a team in the midnight sports
15 league; and

16 (5) evidence that the neighborhood or commu-
17 nity served by the program meets the requirements
18 of subsection (d)(3).

19 (g) SELECTION.—The Attorney General, in consulta-
20 tion with the Secretary of Housing and Urban Develop-
21 ment and with the Advisory Committee, shall select eligi-
22 ble entities that submit applications under subsection (f)
23 to receive grants under subsection (a). The Attorney Gen-
24 eral, in consultation with the Secretary of Housing and
25 Urban Development and with the Advisory Committee,

1 shall establish criteria for selection of applicants to receive
2 such grants. The criteria shall include a preference for se-
3 lection of eligible entities carrying out midnight sports
4 league programs in suburban and rural areas.

5 (h) REPORTS.—The Attorney General, in consulta-
6 tion with the Secretary of Housing and Urban Develop-
7 ment, shall require each eligible entity receiving a grant
8 under subsection (a) to submit for each year in which
9 grant amounts are received by the entity, a report describ-
10 ing the activities carried out with such amounts.

11 (i) STUDY.—To the extent amounts are provided
12 under appropriation Acts pursuant to subsection (k)(2),
13 the Attorney General, in consultation with the Secretary
14 of Housing and Urban Development, shall make a grant
15 to one entity qualified to carry out a study under this sub-
16 section. The entity shall use such grant to carry out a
17 scientific study of the effectiveness of midnight sports
18 league programs under subsection (d) of eligible entities
19 receiving grants under subsection (a). The Attorney Gen-
20 eral, in consultation with the Secretary of Housing and
21 Urban Development, shall require such entity to submit
22 a report describing the study and any conclusions and rec-
23 ommendations resulting from the study to the Congress
24 and the Attorney General and the Secretary not later than

1 the expiration of the 2-year period beginning on the date
2 that the grant under this subsection is made.

3 (j) DEFINITIONS.—For purposes of this section—

4 (1) the term “eligible entity” means an entity
5 described under subsection (b)(1); and

6 (2) the term “federally assisted low-income
7 housing” has the meaning given the term in section
8 5126 of the Public and Assisted Housing Drug
9 Elimination Act of 1990.

10 (k) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated—

12 (1) for grants under subsection (a),
13 \$10,000,000 in each of fiscal years 1995, 1996,
14 1997, 1998, and 1999; and

15 (2) for a study grant under subsection (i),
16 \$250,000 in fiscal year 1995.

17 **TITLE V—DRUG COURTS**

18 **SEC. 501. GRANT AUTHORITY.**

19 The Attorney General may make grants to units of
20 State and local government, and to other public and pri-
21 vate entities, for programs that involve continuing judicial
22 supervision over specified categories of persons with sub-
23 stance abuse problems, and that involve the integrated ad-
24 ministration of other sanctions and services including—

1 (1) testing for the use of controlled substances
2 or other addictive substances;

3 (2) substance abuse treatment;

4 (3) diversion, probation, or other supervised re-
5 lease involving the possibility of prosecution, confine-
6 ment, or incarceration based on noncompliance with
7 program requirements or failure to show satisfactory
8 progress; and

9 (4) programmatic or health related aftercare
10 services such as relapse prevention, education, voca-
11 tional training, job placement, housing placement,
12 and child care or other family support services.

13 **SEC. 502. ADMINISTRATION.**

14 (a) COLLABORATION.—The Attorney General may
15 consult or collaborate with the Secretary of Health and
16 Human Services and any other appropriate officials in car-
17 rying out this title.

18 (b) USE OF COMPONENTS.—The Attorney General
19 may utilize any component or components of the Depart-
20 ment of Justice in carrying out this title.

21 (c) REGULATORY AUTHORITY.—The Attorney Gen-
22 eral may issue regulations and guidelines to carry out this
23 title, including specifications concerning application re-
24 quirements, selection criteria, duration and renewal of
25 grants, evaluation requirements, matching funds, limita-

1 tion of administrative expenses, submission of reports by
2 grantees, recordkeeping by grantees, and access to books,
3 records, and documents maintained by grantees or other
4 persons for purposes of audit or examination.

5 (d) APPLICATIONS.—In addition to any other require-
6 ments that may be specified by the Attorney General, an
7 application for a grant under this title shall—

8 (1) include a long-term strategy and detailed
9 implementation plan;

10 (2) explain the applicant's inability to fund the
11 program adequately without Federal assistance;

12 (3) certify that the Federal support provided
13 will be used to supplement, and not supplant, State
14 and local sources of funding that would otherwise be
15 available;

16 (4) identify related governmental or community
17 initiatives which complement or will be coordinated
18 with the proposal;

19 (5) certify that there has been appropriate con-
20 sultation with all affected agencies, and that there
21 will be appropriate coordination with all affected
22 agencies in the implementation of the program;

23 (6) specify plans for obtaining necessary sup-
24 port and continuing the proposed program following
25 the conclusion of Federal support; and

1 (7) describe the methodology that will be uti-
2 lized in evaluating the program.

3 **SEC. 503. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
4 **UATION.**

5 (a) TECHNICAL ASSISTANCE AND TRAINING.—The
6 Attorney General may provide technical assistance and
7 training in furtherance of the purposes of this title.

8 (b) EVALUATIONS.—In addition to any evaluation re-
9 quirements that may be prescribed for grantees, the Attor-
10 ney General may carry out or make arrangements for eval-
11 uations of programs that receive support under this title.

12 (c) ADMINISTRATION.—The technical assistance,
13 training, and evaluations authorized by this section may
14 be carried out directly by the Attorney General, in collabo-
15 ration with the Secretary of Health and Human Services,
16 or through grants, contracts, or other cooperative arrange-
17 ments with other entities.

18 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated
20 \$280,000,000 in each of fiscal years 1995, 1996, 1997,
21 1998, and 1999 to carry out this title.

1 **TITLE VI—COMMUNITY YOUTH**
2 **ACADEMIES**

3 **SEC. 601. GRANT AUTHORITY.**

4 (a) IN GENERAL.—The Attorney General may make
5 grants to qualified community organizations, States, or
6 units of local government to assist in meeting the costs
7 of developing and operating qualified instructional pro-
8 grams for juveniles who have been incarcerated under a
9 State or local juvenile justice system or for juveniles who
10 are determined by educational or other authorities to be
11 at-risk of violating criminal law. Such programs are to be
12 designed to provide the academic, moral, and social devel-
13 opment of juveniles to enable them to become independent,
14 responsible, and productive citizens.

15 (b) QUALIFIED COMMUNITY ORGANIZATIONS.—An
16 organization is a qualified community organization which
17 is eligible to receive a grant under subsection (a) if the
18 organization—

19 (1) is a non-profit organization; and

20 (2) has training and experience in—

21 (A) working with teachers, counselors, and
22 similar personnel;

23 (B) providing services to the community in
24 which the organization is located; and

1 (C) developing other programs that con-
2 tribute to the community.

3 (c) INSTRUCTIONAL PROGRAM.—An instruction pro-
4 gram is a qualified instructional program for purposes of
5 a grant under subsection (a) if the program—

6 (1) will provide instruction for individuals of
7 the ages 12 to 18 who have been selected for inclu-
8 sion in the program by a committee which has been
9 selected by the organization for which such grant
10 will be made and which includes teachers, coun-
11 selors, and principals from the public school system
12 in the area in which the instruction will be provided,

13 (2) will provide, in addition to instruction, room
14 and board,

15 (3) will have as instructors teachers who have
16 been recruited by such community organization from
17 national service participants under the National and
18 Community Services Act of 1990 and other individ-
19 uals, and

20 (4) will have a curriculum—

21 (A) developed by community groups within
22 the area served by such community organiza-
23 tion,

24 (B) to provide an education for grades 7
25 through 12,

1 (C) which will require the students to en-
2 gage in all the activities required to maintain
3 the facility in which such program will be pro-
4 vided, and

5 (D) which will include activities such as
6 music, art, athletics, drama, and photography,
7 and other appropriate extra-curricula activities.

8 (d) APPLICATIONS.—To qualify for a grant under
9 subsection (a), a qualified community organization shall
10 submit an application to the Attorney General in such
11 form as the Attorney General may prescribe. Such an ap-
12 plication shall include documentation from the applicant
13 showing—

14 (1) the need for the grant,

15 (2) the intended use of grant funds, and

16 (3) expected results from the use of grant
17 funds.

18 (e) ACTION BY THE ATTORNEY GENERAL.—Not later
19 than 60 days after the date an application for a grant
20 under subsection (a) is received, the Attorney General
21 shall—

22 (1) approve the application and disburse the
23 grant applied for; or

24 (2) disapprove the application and inform the
25 applicant that the application is not approved and

1 provide the applicant with the reasons for the dis-
2 approval.

3 (f) GRANTEE REPORTING.—For each year a qualified
4 community organization receives a grant under subsection
5 (a), the community organization shall file a performance
6 report with the Attorney General explaining the activities
7 carried out with the grant funds and assessing the effec-
8 tiveness of such activities in meeting the purposes of the
9 organization's instructional program.

10 **SEC. 602. AUTHORIZATION OF APPROPRIATIONS.**

11 For grants under section 601, there are authorized
12 to be appropriated \$10,000,000 for each of the fiscal years
13 1995 through 1999.

14 **TITLE VII—POLICE**
15 **RECRUITMENT**

16 **SEC. 701. GRANT AUTHORITY.**

17 (a) IN GENERAL.—The Attorney General may make
18 grants to qualified community organizations to assist in
19 meeting the costs of qualified programs which are de-
20 signed to recruit and retain applicants of police depart-
21 ments.

22 (b) QUALIFIED COMMUNITY ORGANIZATIONS.—An
23 organization is a qualified community organization which
24 is eligible to receive a grant under subsection (a) if the
25 organization—

1 (1) is a non-profit organization; and

2 (2) has training and experience in—

3 (A) working with a police department and
4 with teachers, counselors, and similar person-
5 nel,

6 (B) providing services to the community in
7 which the organization is located,

8 (C) developing and managing services and
9 techniques to recruit individuals to become
10 members of a police department and to assist
11 such individuals in meeting the membership re-
12 quirements of police departments,

13 (D) developing and managing services and
14 techniques to assist in the retention of appli-
15 cants to police departments, and

16 (E) developing other programs that con-
17 tribute to the community.

18 (c) QUALIFIED PROGRAMS.—A program is a qualified
19 program for which a grant may be made under subsection
20 (a) if the program is designed to recruit and train individ-
21 uals from underrepresented neighborhoods and localities
22 and if—

23 (1) the overall design of the program is to re-
24 cruit and retain applicants to a police department;

1 (2) the program provides recruiting services
2 which include tutorial programs to enable individuals
3 to meet police force academic requirements and to
4 pass entrance examinations;

5 (3) the program provides counseling to appli-
6 cants to police departments who may encounter
7 problems throughout the application process; and

8 (4) the program provides retention services to
9 assist in retaining individuals to stay in the applica-
10 tion process of a police department.

11 (d) APPLICATIONS.—To qualify for a grant under
12 subsection (a), a qualified organization shall submit an ap-
13 plication to the Attorney General in such form as the At-
14 torney General may prescribe. Such application shall—

15 (1) include documentation from the applicant
16 showing—

17 (A) the need for the grant;

18 (B) the intended use of grant funds;

19 (C) expected results from the use of grant
20 funds; and

21 (D) demographic characteristics of the
22 population to be served, including age, disabil-
23 ity, race, ethnicity, and languages used; and

24 (2) contain assurances satisfactory to the Attor-
25 ney General that the program for which a grant is

1 made will meet the applicable requirements of the
2 program guidelines prescribed by the Attorney Gen-
3 eral under subsection (i).

4 (e) ACTION BY THE ATTORNEY GENERAL.—Not later
5 than 60 days after the date that an application for a grant
6 under subsection (a) is received, the Attorney General
7 shall consult with the police department which will be in-
8 volved with the applicant and shall—

9 (1) approve the application and disburse the
10 grant funds applied for; or

11 (2) disapprove the application and inform the
12 applicant that the application is not approved and
13 provide the applicant with the reasons for the dis-
14 approval.

15 (f) GRANT DISBURSEMENT.—The Attorney General
16 shall disburse funds under a grant under subsection (a)
17 in accordance with regulations of the Attorney General
18 which shall ensure—

19 (1) priority is given to applications for areas
20 and organizations with the greatest showing of need;

21 (2) that grant funds are equitably distributed
22 on a geographic basis; and

23 (3) the needs of underserved populations are
24 recognized and addressed.

1 (g) GRANT PERIOD.—A grant under subsection (a)
2 shall be made for a period not longer than 3 years.

3 (h) GRANTEE REPORTING.—(1) For each year of a
4 grant period for a grant under subsection (a), the recipient
5 of the grant shall file a performance report with the Attor-
6 ney General explaining the activities carried out with the
7 funds received and assessing the effectiveness of such ac-
8 tivities in meeting the purpose of the recipient's qualified
9 program.

10 (2) If there was more than one recipient of a grant,
11 each recipient shall file such report.

12 (3) The Attorney General shall suspend the funding
13 of a grant if the recipient of the grant does not file the
14 report required by this subsection or uses the grant for
15 a purpose not authorized by this section.

16 (i) GUIDELINES.—The Attorney General shall, by
17 regulation, prescribe guidelines on content and results for
18 programs receiving a grant under subsection (a). Such
19 guidelines shall be designed to establish programs which
20 will be effective in training individuals to enter instruc-
21 tional programs for police departments and shall include
22 requirements for—

23 (1) individuals providing recruiting services;

24 (2) individuals providing tutorials and other
25 academic assistance programs;

- 1 (3) individuals providing retention services; and
2 (4) the content and duration of recruitment, re-
3 tention, and counseling programs and the means and
4 devices used to publicize such programs.

5 **SEC. 702. AUTHORIZATION OF APPROPRIATIONS.**

6 For grants under section 801 there are authorized
7 to be appropriated \$6,000,000 for each of the fiscal years
8 1995 through 1999.

9 **TITLE VIII—NATIONAL TRIAD**
10 **PROGRAM**

11 **SEC. 801. FINDINGS.**

12 The Congress finds that—

13 (1) older Americans are among the most rapidly
14 growing segments of our society;

15 (2) currently, older Americans comprise 15 per-
16 cent of our society, and predictions are that by the
17 turn of the century they will constitute 18 percent
18 of the Nation's population;

19 (3) older Americans find themselves uniquely
20 situated in the society, environmentally and phys-
21 ically;

22 (4) many older Americans are experiencing in-
23 creased social isolation due to fragmented and dis-
24 tant familial relations, scattered associations, limited

1 access to transportation, and other insulating
2 factors;

3 (5) physical conditions such as hearing loss,
4 poor eyesight, lessened agility, and chronic and de-
5 bilitating illnesses often contribute to a senior citi-
6 zen's susceptibility to criminal victimization;

7 (6) older Americans are too frequently the vic-
8 tims of abuse and neglect, violent crime, property
9 crime, consumer fraud, medical quackery, and con-
10 fidence games;

11 (7) studies have found that older Americans
12 that are victims of violent crime are more likely to
13 be injured and require medical attention than are
14 younger victims;

15 (8) victimization data on crimes against older
16 Americans are incomplete and out of date, and data
17 sources are partial, scattered, and not easily
18 obtained;

19 (9) although a few studies have attempted to
20 define and estimate the extent of abuse and neglect
21 of older Americans, both in their homes and in insti-
22 tutional settings, many experts believe that abuse
23 and neglect crimes are substantially underreported
24 and undetected;

1 (10) similarly, while some evidence suggests
2 that older Americans may be targeted in a range of
3 fraudulent schemes, neither the Uniform Crime Re-
4 port nor the National Crime Survey collects data on
5 individual- or household-level fraud;

6 (11) many law enforcement agencies do not
7 have model practices for responding to the criminal
8 abuse of older Americans;

9 (12) law enforcement officers and social service
10 providers come from different disciplines and fre-
11 quently bring different perspectives to the problem
12 of crimes against older Americans;

13 (13) the differences in approaches can inhibit a
14 genuinely effective response;

15 (14) there are a few efforts currently under way
16 that seek to forge partnerships to coordinate crimi-
17 nal justice and social service approaches to victim-
18 ization of older Americans;

19 (15) the Triad program, sponsored by the Na-
20 tional Sheriffs' Association (NSA), the International
21 Association of Chiefs of Police (IACP), and the
22 American Association of Retired Persons (AARP), is
23 one such effort;

24 (16) the Assistant Secretary for Aging, as the
25 senior executive branch officer formulating older

1 Americans policy, is an appropriate leader in efforts
2 to reduce violent crime against older Americans; and

3 (17) recognizing that older Americans have the
4 same fundamental desire as other members of our
5 society to live freely, without fear or restriction due
6 to the criminal element, the Federal Government
7 should seek to expand efforts to reduce crime
8 against this growing and uniquely vulnerable seg-
9 ment of our population.

10 **SEC. 802. PURPOSES.**

11 The purposes of this title are—

12 (1) to support a coordinated effort among law
13 enforcement, older Americans organizations, and so-
14 cial service agencies to stem the tide of violence
15 against older Americans and support media and
16 nonmedia strategies aimed at increasing both public
17 understanding of the problem and the older Ameri-
18 cans' skills in preventing crime against themselves
19 and their property; and

20 (2) to address the problem of crime against
21 older Americans in a systematic and effective man-
22 ner by promoting and expanding collaborative crime
23 prevention programs, such as the Triad model, that
24 assist law enforcement agencies and older Americans
25 in implementing specific strategies for crime preven-

1 tion, victim assistance, citizen involvement, and pub-
2 lic education.

3 **SEC. 803. NATIONAL ASSESSMENT AND DISSEMINATION.**

4 (a) IN GENERAL.—The Director of the National In-
5 stitute of Justice in consultation with the Assistant Sec-
6 retary for Aging shall conduct a qualitative and quan-
7 titative national assessment of—

8 (1) the nature and extent of crimes committed
9 against older Americans and the effect of such
10 crimes on the victims;

11 (2) the numbers, extent, and impact of violent
12 crimes and nonviolent crimes (such as frauds and
13 “scams”) against older Americans and the extent of
14 unreported crimes;

15 (3) the collaborative needs of law enforcement,
16 health, and social service organizations, focusing on
17 prevention of crimes against older Americans, to
18 identify, investigate, and provide assistance to vic-
19 tims of those crimes; and

20 (4) the development and growth of strategies to
21 respond effectively to the matters described in para-
22 graphs (1), (2), and (3).

23 (b) MATTERS TO BE ADDRESSED.—The national as-
24 sessment made pursuant to subsection (a) shall address—

1 (1) the analysis and synthesis of data from a
2 broad range of sources in order to develop accurate
3 information on the nature and extent of crimes
4 against older Americans, including identifying and
5 conducting such survey and other data collection ef-
6 forts as are needed and designing a strategy to keep
7 such information current over time;

8 (2) institutional and community responses to el-
9 derly victims of crime, focusing on the problems as-
10 sociated with fear of victimization, abuse of older
11 Americans, and hard-to-reach older Americans who
12 are in poor health, are living alone or without family
13 nearby, or living in high crime areas;

14 (3) special services and responses required by
15 elderly victims;

16 (4) whether the experience of older Americans
17 with some service organizations differs markedly
18 from that of younger populations;

19 (5) the kinds of programs that have proven use-
20 ful in reducing victimization of older Americans
21 through crime prevention activities and programs;

22 (6) the kinds of programs that contribute to
23 successful coordination among public sector agencies
24 and community organizations in reducing victimiza-
25 tion of older Americans; and

1 (7) the research agenda needed to develop a
2 comprehensive understanding of the problems of
3 crimes against older Americans, including the
4 changes that can be anticipated in the crimes them-
5 selves and appropriate responses as the society in-
6 creasingly ages.

7 (c) AVOIDANCE OF DUPLICATION.—In conducting
8 the assessment under subsection (a), the Director of the
9 National Institute of Justice, in consultation with the As-
10 sistant Secretary of Aging, shall draw upon the findings
11 of existing studies and avoid duplication of efforts that
12 have previously been made.

13 (d) DISSEMINATION.—Based on the results of the na-
14 tional assessment and analysis of successful or promising
15 strategies in dealing with the problems described in sub-
16 section (b) and other problems, including coalition efforts
17 such as the Triad programs described in sections 801 and
18 802, the Director of the National Institute of Justice, in
19 consultation with the Assistant Secretary of Aging, shall
20 disseminate the results through reports, publications,
21 clearinghouse services, public service announcements, and
22 programs of evaluation, demonstration, training, and tech-
23 nical assistance.

1 **SEC. 804. PILOT PROGRAMS.**

2 (a) AWARDS.—The Director of the Bureau of Justice
3 Assistance, in consultation with the Assistant Secretary
4 of Aging, shall make grants to coalitions of local law en-
5 forcement agencies and older Americans to assist in the
6 development of programs and execute field tests of par-
7 ticularly promising strategies for crime prevention services
8 and related services based on the concepts of the Triad
9 model, which can then be evaluated and serve as the basis
10 for further demonstration and education programs.

11 (b) TRIAD COOPERATIVE MODEL.—(1) Subject to
12 paragraph (2), a pilot program funded under this section
13 shall consist of a cooperative model, which calls for the
14 participation of the sheriff, at least 1 police chief, and a
15 representative of at least 1 older Americans' organization
16 within a county and may include participation by general
17 service coalitions of law enforcement, victim service, and
18 senior citizen advocate second service organizations. If
19 there exists with the applicant county an area agency on
20 aging as defined in section 102(17) of the Older Ameri-
21 cans Act of 1965, the applicant county must include the
22 agency as an organizational component in its program.

23 (2) If there is not both a sheriff and a police chief
24 in a county or if the sheriff or a police chief do not partici-
25 pate, a pilot program funded under this section shall in-
26 clude in the place of the sheriff or police chief another

1 key law enforcement official in the county such as a local
2 prosecutor.

3 (c) APPLICATION.—A coalition or Triad program that
4 desires to establish a pilot program under this section
5 shall submit to the Director of the Bureau of Justice As-
6 sistance an application that includes—

7 (1) a description of the community and its sen-
8 ior citizen population;

9 (2) assurances that Federal funds received
10 under this part shall be used to provide additional
11 and appropriate education and services to the com-
12 munity's older Americans;

13 (3) a description of the extent of involvement of
14 each organizational component (chief, sheriff (or
15 other law enforcement official), and senior organiza-
16 tion representative) and focus of the Triad program;

17 (4) a comprehensive plan including—

18 (A) a description of the crime problems
19 facing older Americans and need for expanded
20 law enforcement and victim assistance services;

21 (B) a description of the types of projects
22 to be developed or expanded;

23 (C) a plan for an evaluation of the results
24 of Triad endeavors;

1 (D) a description of the resources (includ-
2 ing matching funds, in-kind services, and other
3 resources) available in the community to imple-
4 ment the Triad development or expansion;

5 (E) a description of the gaps that cannot
6 be filled with existing resources;

7 (F) an explanation of how the requested
8 grant will be used to fill those gaps; and

9 (G) a description of the means and meth-
10 ods the applicant will use to reduce criminal
11 victimization of older persons; and

12 (5) funding requirements for implementing a
13 comprehensive plan.

14 (d) DISTRIBUTION OF GRANT AWARDS.—The Direc-
15 tor of the Bureau of Justice Assistance, in consultation
16 with the Assistant Secretary for Aging, shall attempt, to
17 the extent practicable, to achieve an equitable geographic
18 distribution of grant awards for pilot programs authorized
19 under this title.

20 (e) POST-GRANT PERIOD REPORT.—A grant recipi-
21 ent under this section shall, not later than 6 months after
22 the conclusion of the grant period, submit to the Director
23 of the Bureau of Justice Assistance a report that—

24 (1) describes the composition of organizations
25 that participated in the pilot program;

1 (2) identifies problem areas encountered during
2 the course of the pilot program;

3 (3) provides data comparing the types and fre-
4 quency of criminal activity before and after the
5 grant period and the effect of such criminal activity
6 on older Americans in the community; and

7 (4) describes the grant recipient's plans and
8 goals for continuance of the Triad program after the
9 grant period.

10 **SEC. 805. TRAINING ASSISTANCE, EVALUATION, AND DIS-**
11 **SEMINATION AWARDS.**

12 In conjunction with the national assessment under
13 section 803—

14 (1) the Director of the Bureau of Justice As-
15 sistance, in consultation with the Assistant Secretary
16 for Aging, shall make awards to organizations with
17 demonstrated ability to provide training and tech-
18 nical assistance in establishing crime prevention pro-
19 grams based on the Triad model, for purposes of
20 aiding in the establishment and expansion of pilot
21 programs under this section; and

22 (2) the Director of the National Institute of
23 Justice, in consultation with the Assistant Secretary
24 of Aging, shall make awards to research organiza-
25 tions, for the purposes of—

1 (A) evaluating the effectiveness of selected
2 pilot programs; and

3 (B) conducting the research and develop-
4 ment identified through the national assessment
5 as being critical; and

6 (3) the Director of the Bureau of Justice As-
7 sistance, in consultation with the Assistant Secretary
8 for Aging, shall make awards to public service adver-
9 tising coalitions, for the purposes of mounting a pro-
10 gram of public service advertisements to increase
11 public awareness and understanding of the issues
12 surrounding crimes against older Americans and
13 promoting ideas or programs to prevent them.

14 **SEC. 806. REPORT.**

15 The Director of the Bureau of Justice Assistance, in
16 consultation with the Assistant Secretary for Aging, and
17 the Director of the National Institute of Justice shall sub-
18 mit to Congress an annual report (which may be included
19 with the report submitted under section 102(b) of title I
20 of the Omnibus Crime Control and Safe Streets Act of
21 1968 (42 U.S.C. 3712(b)) describing the results of the
22 pilot programs conducted under section 904.

23 **SEC. 807. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated—

1 (1) \$2,000,000 to the Bureau of Justice Assist-
2 ance for the purpose of making Triad pilot program
3 awards in that amount under section 904;

4 (2) \$1,000,000 to the Bureau of Justice Assist-
5 ance for the purpose of funding the national training
6 and technical assistance effort under sections 803
7 and 805;

8 (3) \$1,000,000 to the Bureau of Justice Assist-
9 ance and \$1,000,000 to the Administration on
10 Aging, for the purpose of developing public service
11 announcements under sections 803 and 805;

12 (4) \$2,000,000 to the National Institute of Jus-
13 tice for the purposes of conducting the national as-
14 sessment, evaluating pilot programs, and carrying
15 out the research agenda under sections 803 and
16 805; and

17 (5) to the extent that funds are not otherwise
18 available for the purpose, such sums as are nec-
19 essary to pay the administrative costs of carrying
20 out this title.

21 **TITLE IX—LOCAL PARTNERSHIP** 22 **ACT**

23 **SEC. 901. SHORT TITLE.**

24 This title may be cited as the “Local Partnership Act
25 of 1994”.

1 **SEC. 902. ESTABLISHMENT OF PAYMENT PROGRAM.**

2 (a) ESTABLISHMENT OF PROGRAM.—Title 31,
3 United States Code, is amended by inserting after chapter
4 65 the following:

5 **“CHAPTER 67—FEDERAL PAYMENTS**

“Sec.

“6701. Payments to local governments.

“6702. Local Government Fiscal Assistance Fund.

“6703. Qualification for payment.

“6704. State area allocations; allocations and payments to territorial govern-
ments.

“6705. Local government allocations.

“6706. Income gap multiplier.

“6707. State variation of local government allocations.

“6708. Adjustments of local government allocations.

“6709. Information used in allocation formulas.

“6710. Public participation.

“6711. Prohibited discrimination.

“6712. Discrimination proceedings.

“6713. Suspension and termination of payments in discrimination proceedings.

“6714. Compliance agreements.

“6715. Enforcement by the Attorney General of prohibitions on discrimination.

“6716. Civil action by a person adversely affected.

“6717. Judicial review.

“6718. Audits, investigations, and reviews.

“6719. Reports.

“6720. Definitions and application.

6 **“§ 6701. Payments to local governments**

7 “(a) PAYMENT AND USE.—

8 “(1) PAYMENT.—The Secretary of the Treasury
9 shall pay to each unit of general local government
10 which qualifies for a payment under this chapter an
11 amount equal to the sum of any amounts allocated
12 to the government under this chapter for each pay-
13 ment period. The Secretary shall pay such amount
14 out of the Local Government Fiscal Assistance Fund
15 under section 6702.

1 “(2) USE.—Amounts paid to a unit of general
2 local government under this section shall be used by
3 that unit for carrying out one or more programs of
4 the unit related to—

5 “(A) education to prevent crime; or

6 “(B) health to prevent crime.

7 “(b) TIMING OF PAYMENTS.—They shall pay each
8 amount allocated under this chapter to a unit of general
9 local government for a payment period by the later of 60
10 days after the date the amount is available or the first
11 day of the payment period.

12 “(c) ADJUSTMENTS.—(1) Subject to paragraph (2),
13 the Secretary shall adjust a payment under this chapter
14 to a unit of general local government to the extent that
15 a prior payment to the government was more or less than
16 the amount required to be paid.

17 “(2) The Secretary may increase or decrease under
18 this subsection a payment to a unit of local government
19 only if the Secretary determines the need for the increase
20 or decrease, or the unit requests the increase or decrease,
21 within one year after the end of the payment period for
22 which the payment was made.

23 “(d) RESERVATION FOR ADJUSTMENTS.—The Sec-
24 retary may reserve a percentage of not more than 0.5 per-
25 cent of the amount under this section for a payment pe-

1 riod for all units of general local government in a State
2 if the Secretary considers the reserve is necessary to en-
3 sure the availability of sufficient amounts to pay adjust-
4 ments after the final allocation of amounts among the
5 units of general local government in the State.

6 “(e) REPAYMENT OF UNEXPENDED AMOUNTS.—

7 “(1) REPAYMENT REQUIRED.—A unit of gen-
8 eral local government shall repay to the Secretary,
9 by not later than November 15, 1995, any amount
10 that is—

11 “(A) paid to the unit from amounts appro-
12 priated for fiscal year 1995 under the authority
13 of this section; and

14 “(B) not expended by the unit by October
15 31, 1995.

16 “(2) DEPOSIT OF AMOUNTS REPAID.—Amounts
17 received by the Secretary as repayments under this
18 subsection shall be deposited in the general fund of
19 the Treasury as miscellaneous receipts.

20 “(f) EXPENDITURE WITH DISADVANTAGED BUSI-
21 NESS ENTERPRISES.—

22 “(1) GENERAL RULE.—Of amounts paid to a
23 unit of general local government under this chapter
24 for a payment period, not less than 10 percent of

1 the total combined amounts obligated by the unit for
2 contracts and subcontracts shall be expended with—

3 “(A) small business concerns controlled by
4 socially and economically disadvantaged individ-
5 uals and women; and

6 “(B) historically Black colleges and univer-
7 sities and colleges and universities having a stu-
8 dent body in which more than 20 percent of the
9 students are Hispanic Americans or Native
10 Americans.

11 “(2) EXCEPTION.—Paragraph (1) shall not
12 apply to amounts paid to a unit of general local gov-
13 ernment to the extent the unit determines that the
14 paragraph does not apply through a process that
15 provides for public participation.

16 “(3) DEFINITIONS.—For purposes of this sub-
17 section—

18 “(A) the term ‘small business concern’ has
19 the meaning such term has under section 3 of
20 the Small Business Act; and

21 “(B) the term ‘socially and economically
22 disadvantaged individuals’ has the meaning
23 such term has under section 8(d) of the Small
24 Business Act and relevant subcontracting regu-
25 lations promulgated pursuant to that section.

1 “(g) NONSUPPLANTING REQUIREMENT.—(1) Funds
2 made available under this chapter to units of local govern-
3 ment shall not be used to supplant State or local funds,
4 but will be used to increase the amount of funds that
5 would, in the absence of funds under this chapter, be made
6 available from State or local sources.

7 “(2) The total level of funding available to a unit of
8 local government for accounts serving eligible purposes
9 under this chapter in the fiscal year immediately preceding
10 receipt of a grant under this chapter shall be designated
11 the “base level account” for the fiscal year in which grant
12 is received. Grants under this chapter in a given fiscal year
13 shall be reduced on a dollar for dollar basis to the extent
14 that a unit of local government reduces its base level ac-
15 count in that fiscal year.

16 “(3) The Secretary shall issue regulations to imple-
17 ment this subsection.

18 **“§ 6702. Local Government Fiscal Assistance Fund**

19 “(a) ADMINISTRATION OF FUND.—The Department
20 of the Treasury has a Local Government Fiscal Assistance
21 Fund, which consists of amounts appropriated to the
22 Fund.

23 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Fund
25 \$2,000,000,000 for fiscal years 1995 and 1996.

1 **“§ 6703. Qualification for payment**

2 “(a) IN GENERAL.—Under regulations issued by the
3 Secretary, a unit of general local government qualifies for
4 a payment under this chapter for a payment period only
5 after establishing to the satisfaction of the Secretary
6 that—

7 “(1) the government will establish a trust fund
8 in which the government will deposit all payments
9 received under this chapter;

10 “(2) the government will use amounts in the
11 trust fund (including interest) during a reasonable
12 period specified in the regulations issued by the
13 Secretary;

14 “(3) the government will expend the payments
15 so received, in accordance with the laws and proce-
16 dures that are applicable to the expenditure of reve-
17 nues of the government;

18 “(4) if at least 25 percent of the pay of individ-
19 uals employed by the government in a public em-
20 ployee occupation is paid out of the trust fund, indi-
21 viduals in the occupation any part of whose pay is
22 paid out of the trust fund will receive pay at least
23 equal to the prevailing rate of pay for individuals
24 employed in similar public employee occupations by
25 the government;

1 “(5) if at least 25 percent of the costs of a con-
2 struction project are paid out of the trust fund, la-
3 borers and mechanics employed by contractors or
4 subcontractors on the project will receive pay at
5 least equal to the prevailing rate of pay for similar
6 construction in the locality as determined by the
7 Secretary of Labor under the Act of March 3, 1931
8 (46 Stat. 1494 et seq.; popularly known as the
9 Davis-Bacon Act), and the Secretary of Labor shall
10 act on labor standards under this paragraph in a
11 manner that is in accordance with Reorganization
12 Plan No. 14 of 1950 (64 Stat. 1267) and section 2
13 of the Act of June 13, 1934 (48 Stat. 948);

14 “(6) the government will use accounting, audit,
15 and fiscal procedures that conform to guidelines
16 which shall be prescribed by the Secretary after con-
17 sultation with the Comptroller General of the United
18 States;

19 “(7) after reasonable notice to the government,
20 the government will make available to the Secretary
21 and the Comptroller General of the United States,
22 with the right to inspect, records the Secretary rea-
23 sonably requires to review compliance with this
24 chapter or the Comptroller General of the United

1 States reasonably requires to review compliance and
2 operations under section 6718(b); and

3 “(8) the government will make reports the Sec-
4 retary reasonably requires, in addition to the annual
5 reports required under section 6719(b).

6 “(b) REVIEW BY GOVERNORS.—A unit of general
7 local government shall give the chief executive officer of
8 the State in which the government is located an oppor-
9 tunity for review and comment before establishing compli-
10 ance with subsection (a).

11 “(c) SANCTIONS FOR NONCOMPLIANCE.—(1) If the
12 Secretary decides that a unit of general local government
13 has not complied substantially with subsection (a) or regu-
14 lations prescribed under subsection (a), the Secretary shall
15 notify the government. The notice shall state that if the
16 government does not take corrective action by the 60th
17 day after the date the government receives the notice, the
18 Secretary will withhold additional payments to the govern-
19 ment for the current payment period and later payment
20 periods until the Secretary is satisfied that the govern-
21 ment—

22 “(A) has taken the appropriate corrective ac-
23 tion; and

24 “(B) will comply with subsection (a) and regu-
25 lations prescribed under subsection (a).

1 “(2) Before giving notice under paragraph (1), the
2 Secretary shall give the chief executive officer of the unit
3 of general local government reasonable notice and an op-
4 portunity for a proceeding.

5 “(3) The Secretary may make a payment to a unit
6 of general local government notified under paragraph (1)
7 only if the Secretary is satisfied that the government—

8 “(A) has taken the appropriate corrective ac-
9 tion; and

10 “(B) will comply with subsection (a) and regu-
11 lations prescribed under subsection (a).

12 **“§ 6704. State area allocations; allocations and pay-**
13 **ments to territorial governments**

14 “(a) FORMULA ALLOCATION BY STATE.—For each
15 payment period, the Secretary shall allocate to each State
16 out of the amount appropriated for the period under the
17 authority of section 6702(b) (minus the amounts allocated
18 to territorial governments under subsection (e) for the
19 payment period) an amount bearing the same ratio to the
20 amount appropriated (minus such amounts allocated
21 under subsection (e)) as the amount allocated to the State
22 under this section bears to the total amount allocated to
23 all States under this section. The Secretary shall—

1 “(1) determine the amount allocated to the
2 State under subsection (b) or (c) of this section and
3 allocate the larger amount to the State; and

4 “(2) allocate the amount allocated to the State
5 to units of general local government in the State
6 under sections 6705 and 6706.

7 “(b) GENERAL FORMULA.—(1) The amount allocated
8 to a State under this subsection for a payment period is
9 the amount bearing the same ratio to \$5,300,000,000
10 as—

11 “(A) the population of the State, multiplied by
12 the general tax effort factor of the State (deter-
13 mined under paragraph (2)), multiplied by the rel-
14 ative income factor of the State (determined under
15 paragraph (3)), multiplied by the relative rate of the
16 labor force unemployed in the State (determined
17 under paragraph (4)); bears to

18 “(B) the sum of the products determined under
19 subclause (A) of this paragraph for all States.

20 “(2) The general tax effort factor of a State for a
21 payment period is—

22 “(A) the net amount of State and local taxes of
23 the State collected during the years used by the Sec-
24 retary of Commerce in the most recent Bureau of
25 the Census general determination of State and local

1 taxes made before the beginning of the payment pe-
2 riod; divided by

3 “(B) the total income of individuals, as deter-
4 mined by the Secretary of Commerce for national in-
5 come accounts purposes, attributed to the State for
6 the same years.

7 “(3) The relative income factor of a State is a frac-
8 tion in which—

9 “(A) the numerator is the per capita income of
10 the United States; and

11 “(B) the denominator is the per capita income
12 of the State.

13 “(4) The relative rate of the labor force unemployed
14 in a State is a fraction in which—

15 “(A) the numerator is the percentage of the
16 labor force of the State that is unemployed (as de-
17 termined by the Secretary of Labor for general sta-
18 tistical purposes); and

19 “(B) the denominator is the percentage of the
20 labor force of the United States that is unemployed
21 (as determined by the Secretary of Labor for general
22 statistical purposes).

23 “(c) ALTERNATIVE FORMULA.—The amount allo-
24 cated to a State under this subsection for a payment pe-
25 riod is the total amount the State would receive if—

1 “(1) \$1,166,666,667 were allocated among the
2 States on the basis of population by allocating to
3 each State an amount bearing the same ratio to the
4 total amount to be allocated under this paragraph as
5 the population of the State bears to the population
6 of all States;

7 “(2) \$1,166,666,667 were allocated among the
8 States on the basis of population inversely weighted
9 for per capita income, by allocating to each State an
10 amount bearing the same ratio to the total amount
11 to be allocated under this paragraph as—

12 “(A) the population of the State, multi-
13 plied by a fraction in which—

14 “(i) the numerator is the per capita
15 income of all States; and

16 “(ii) the denominator is the per capita
17 income of the State; bears to

18 “(B) the sum of the products determined
19 under subparagraph (A) for all States;

20 “(3) \$600,000,000 were allocated among the
21 States on the basis of income tax collections by allo-
22 cating to each State an amount bearing the same
23 ratio to the total amount to be allocated under this
24 paragraph as the income tax amount of the State

1 (determined under subsection (d)(1)) bears to the
2 sum of the income tax amounts of all States;

3 “(4) \$600,000,000 were allocated among the
4 States on the basis of general tax effort by allocat-
5 ing to each State an amount bearing the same ratio
6 to the total amount to be allocated under this para-
7 graph as the general tax effort amount of the State
8 (determined under subsection (d)(2)) bears to the
9 sum of the general tax effort amounts of all States;

10 “(5) \$600,000,000 were allocated among the
11 States on the basis of unemployment by allocating to
12 each State an amount bearing the same ratio to the
13 total amount to be allocated under this paragraph
14 as—

15 “(A) the labor force of the State, multi-
16 plied by a fraction in which—

17 “(i) the numerator is the percentage
18 of the labor force of the State that is un-
19 employed (as determined by the Secretary
20 of Labor for general statistical purposes);
21 and

22 “(ii) the denominator is the percent-
23 age of the labor force of the United States
24 that is unemployed (as determined by the

1 Secretary of Labor for general statistical
2 purposes);

3 bears to

4 “(B) the sum of the products determined
5 under subparagraph (A) for all States; and

6 “(6) \$1,166,666,667 were allocated among the
7 States on the basis of urbanized population by allo-
8 cating to each State an amount bearing the same
9 ratio to the total amount to be allocated under this
10 paragraph as the urbanized population of the State
11 bears to the urbanized population of all States. In
12 this paragraph, the term ‘urbanized population’
13 means the population of an area consisting of a
14 central city or cities of at least 50,000 inhabitants
15 and the surrounding closely settled area for the city
16 or cities considered as an urbanized area by the Sec-
17 retary of Commerce for general statistical purposes.

18 “(d) INCOME TAX AMOUNT AND TAX EFFORT
19 AMOUNT.—(1) The income tax amount of a State for a
20 payment period is 15 percent of the net amount collected
21 during the calendar year ending before the beginning of
22 the payment period from the tax imposed on the income
23 of individuals by the State and described as a State in-
24 come tax under section 164(a)(3) of the Internal Revenue
25 Code of 1986 (26 U.S.C. 164(a)(3)). The income tax

1 amount for a payment period shall be at least one percent
2 but not more than 6 percent of the United States Govern-
3 ment individual income tax liability attributed to the State
4 for the taxable year ending during the last calendar year
5 ending before the beginning of the payment period. The
6 Secretary shall determine the Government income tax li-
7 ability attributed to the State on the same basis as the
8 Secretary of the Treasury determines that liability for gen-
9 eral statistical purposes.

10 “(2) The general tax effort amount of a State for
11 a payment period is the amount determined by multiply-
12 ing—

13 “(A) the net amount of State and local taxes of
14 the State collected during the years used by the Sec-
15 retary of Commerce in the most recent Bureau of
16 the Census general determination of State and local
17 taxes made before the beginning of the payment pe-
18 riod; by

19 “(B) the general tax effort factor of the State
20 determined under subsection (b)(2).

21 “(e) ALLOCATION FOR PUERTO RICO, GUAM, AMER-
22 ICAN SAMOA, AND THE VIRGIN ISLANDS.—(1)(A) For
23 each payment period for which funds are available for allo-
24 cation under this chapter, the Secretary shall allocate to
25 each territorial government an amount equal to the prod-

1 uct of 1 percent of the amount of funds available for allo-
 2 cation multiplied by the applicable territorial percentage.

3 “(B) For the purposes of this paragraph, the applica-
 4 ble territorial percentage of a territory is equal to the
 5 quotient resulting from the division of the territorial popu-
 6 lation of such territory by the sum of the territorial popu-
 7 lation for all territories.

8 “(2) The governments of the territories shall make
 9 payments to local governments within their jurisdiction
 10 from sums received under this subsection as they consider
 11 appropriate.

12 “(3) For purposes of this subsection—

13 “(A) the term ‘territorial government’
 14 means the government of a territory;

15 “(B) the term ‘territory’ means Puerto
 16 Rico, Guam, American Samoa, and the Virgin
 17 Islands; and

18 “(C) the term ‘territorial population’
 19 means the most recent population for each ter-
 20 ritory as determined by the Bureau of Census.

21 **“§ 6705. Local government allocations**

22 “(a) INDIAN TRIBES AND ALASKAN NATIVES VIL-
 23 LAGES.—If there is in a State an Indian tribe or Alaskan
 24 native village having a recognized governing body carrying
 25 out substantial governmental duties and powers, the Sec-

1 retary shall allocate to the tribe or village, out of the
2 amount allocated to the State under section 6704, an
3 amount bearing the same ratio to the amount allocated
4 to the State as the population of the tribe or village bears
5 to the population of the State. The Secretary shall allocate
6 amounts under this subsection to Indian tribes and Alas-
7 kan native villages in a State before allocating amounts
8 to units of general local government in the State under
9 subsection (b).

10 “(b) OTHER LOCAL GOVERNMENT ALLOCATIONS.—

11 (1) The Secretary shall allocate among the units of general
12 local government in a State (other than units receiving
13 allocations under subsection (a)) the amount allocated to
14 the State under section 6704 (as that amount is reduced
15 by allocations under subsection (a)). Of the amount to be
16 allocated, the Secretary shall allocate a portion equal to
17 $\frac{1}{2}$ of such amount in accordance with section 6706(1),
18 and shall allocate a portion equal to $\frac{1}{2}$ of such amount
19 in accordance with section 6706(2). A unit of general local
20 government shall receive an amount equal to the sum of
21 amounts allocated to the unit from each portion.

22 “(2) From each portion to be allocated to units of
23 local government in a State under paragraph (1), the Sec-
24 retary shall allocate to a unit an amount bearing the same
25 ratio to the funds to be allocated as—

1 “(A) the population of the unit, multiplied by
2 the general tax effort factor of the unit (determined
3 under paragraph (3)), multiplied by the income gap
4 of the unit (determined under paragraph (4)), bears
5 to

6 “(B) the sum of the products determined under
7 subparagraph (A) for all units in the State for which
8 the income gap for that portion under paragraph (4)
9 is greater than zero.

10 “(3)(A) Except as provided in subparagraph (C), the
11 general tax effort factor of a unit of general local govern-
12 ment for a payment period is—

13 “(i) the adjusted taxes of the unit; divided by

14 “(ii) the total income attributed to the unit.

15 “(B) If the amount determined under subparagraphs
16 (A)(i) and (ii) for a unit of general local government is
17 less than zero, the general tax effort factor of the unit
18 is deemed to be zero.

19 “(C)(i) Except as otherwise provided in this subpara-
20 graph, the adjusted taxes of a unit of general local govern-
21 ment are the taxes imposed by the unit for public purposes
22 (except employee and employer assessments and contribu-
23 tions to finance retirement and social insurance systems
24 and other special assessments for capital outlay), as deter-
25 mined by the Secretary of Commerce for general statistical

1 purposes and adjusted (under regulations of the Sec-
2 retary) to exclude amounts properly allocated to education
3 expenses.

4 “(ii) The Secretary shall, for purposes of clause (i),
5 include that part of sales taxes transferred to a unit of
6 general local government that are imposed by a county
7 government in the geographic area of which is located the
8 unit of general local government as taxes imposed by the
9 unit for public purposes if—

10 “(I) the county government transfers any part
11 of the revenue from the taxes to the unit of general
12 local government without specifying the purpose for
13 which the unit of general local government may ex-
14 pend the revenue; and

15 “(II) the chief executive officer of the State no-
16 tifies the Secretary that the taxes satisfy the re-
17 quirements of this clause.

18 “(iii) The adjusted taxes of a unit of general local
19 government shall not exceed the maximum allowable ad-
20 justed taxes for that unit.

21 “(iv) The maximum allowable adjusted taxes for a
22 unit of general local government is the allowable adjusted
23 taxes of the unit minus the excess adjusted taxes of the
24 unit.

1 “(v) The allowable adjusted taxes of a unit of general
2 government is the greater of—

3 “(I) the amount equal to 2.5, multiplied by the
4 per capita adjusted taxes of all units of general local
5 government of the same type in the State, multiplied
6 by the population of the unit; or

7 “(II) the amount equal to the population of the
8 unit, multiplied by the sum of the adjusted taxes of
9 all units of municipal local government in the State,
10 divided by the sum of the populations of all the units
11 of municipal local government in the State.

12 “(vi) The excess adjusted taxes of a unit of general
13 local government is the amount equal to—

14 “(I) the adjusted taxes of the unit, minus

15 “(II) 1.5 multiplied by the allowable adjusted
16 taxes of the unit;

17 except that if this amount is less than zero then the excess
18 adjusted taxes of the unit is deemed to be zero.

19 “(vii) For purposes of this subparagraph—

20 “(I) the term ‘per capita adjusted taxes of all
21 units of general local government of the same type’
22 means the sum of the adjusted taxes of all units of
23 general local government of the same type divided by
24 the sum of the populations of all units of general
25 local government of the same type; and

1 “(II) the term ‘units of general local govern-
2 ment of the same type’ means all townships if the
3 unit of general local government is a township, all
4 municipalities if the unit of general local government
5 is a municipality, all counties if the unit of general
6 local government is a county, or all unified city/
7 county governments if the unit of general local gov-
8 ernment is a unified city/county government.

9 “(4)(A) Except as provided in subparagraph (B), the
10 income gap of a unit of general local government is—

11 “(i) the number which applies under section
12 6706, multiplied by the per capita income of the
13 State in which the unit is located; minus

14 “(ii) the per capita income of the geographic
15 area of the unit.

16 “(B) If the amount determined under subparagraph
17 (A) for a unit of general local government is less than
18 zero, then the relative income factor of the unit is deemed
19 to be zero.

20 “(c) SMALL GOVERNMENT ALLOCATIONS.—If the
21 Secretary decides that information available for a unit of
22 general local government with a population below a num-
23 ber (of not more than 500) prescribed by the Secretary
24 is inadequate, the Secretary may allocate to the unit, in
25 lieu of any allocation under subsection (b) for a payment

1 period, an amount bearing the same ratio to the total
 2 amount to be allocated under subsection (b) for the period
 3 for all units of general local government in the State as
 4 the population of the unit bears to the population of all
 5 units in the State.

6 **“§ 6706. Income gap multiplier**

7 “For purposes of determining the income gap of a
 8 unit of general local government under section
 9 6705(b)(4)(A), the number which applies is—

10 “(1) 1.6, with respect to $\frac{1}{2}$ of any amount allo-
 11 cated under section 6704 to the State in which the
 12 unit is located; and

13 “(2) 1.2, with respect to the remainder of such
 14 amount.

15 **“§ 6707. State variation of local government alloca-**
 16 **tions**

17 “(a) STATE FORMULA.—A State government may
 18 provide by law for the allocation of amounts among units
 19 of general local government in the State on the basis of
 20 population multiplied by the general tax effort factors or
 21 income gaps of the units of general local government (de-
 22 termined under sections 6705(a) and (b) or a combination
 23 of those factors. A State government providing for a vari-
 24 ation of an allocation formula provided under section
 25 6705(a) and (b) shall notify the Secretary of the variation

1 by the 30th day before the beginning of the first payment
2 period in which the variation applies. A variation shall—

3 “(1) provide for allocating the total amount al-
4 located under section 6705(a) and (b);

5 “(2) apply uniformly in the State; and

6 “(3) apply only to payment periods beginning
7 before October 1, 1995.

8 “(b) CERTIFICATION.—A variation by a State govern-
9 ment under this section may apply only if the Secretary
10 certifies that the variation complies with this section. The
11 Secretary may certify a variation only if the Secretary is
12 notified of the variation at least 30 days before the first
13 payment period in which the variation applies.

14 **“§6708. Adjustments of local government allocations**

15 “(a) MAXIMUM AMOUNT.—The amount allocated to
16 a unit of general local government for a payment period
17 may not exceed the adjusted taxes imposed by the unit
18 of general local government as determined under section
19 6705(b)(3). Amounts in excess of adjusted taxes shall be
20 paid to the Governor of the State in which the unit of
21 local government is located.

22 “(b) DE MINIMIS ALLOCATIONS.—If the amount al-
23 located to a unit of general local government (except an
24 Indian tribe or an Alaskan native village) for a payment
25 period would be less than \$5,000 but for this subsection

1 or is waived by the governing authority of the unit of gen-
2 eral local government, the Secretary shall pay the amount
3 to the Governor of the State in which the unit is located.

4 “(c) USE OF PAYMENTS TO STATES.—The Governor
5 of a State shall use all amounts paid to the Governor
6 under subsections (a) and (b) for programs described in
7 section 6701(a)(2) in areas of the State where are located
8 the units of general local government with respect to which
9 amounts are paid under subsection (b).

10 **“§ 6709. Information used in allocation formulas**

11 “(a) USE OF MOST RECENT INFORMATION.—Except
12 as provided in this section, the Secretary shall use the
13 most recent available information provided by the Sec-
14 retary of Commerce and the Secretary of Labor before the
15 beginning of the payment period to determine an alloca-
16 tion under this chapter. If the Secretary decides that the
17 information is not current or complete enough to provide
18 for a fair allocation, the Secretary may use additional in-
19 formation (including information based on estimates) as
20 provided under regulations of the Secretary.

21 “(b) POPULATION DATA.—(1) The Secretary shall
22 determine population on the same basis that the Secretary
23 of Commerce determines resident population for general
24 statistical purposes.

1 “(2) The Secretary shall request the Secretary of
2 Commerce to adjust the population information provided
3 to the Secretary as soon as practicable to include a reason-
4 able estimate of the number of resident individuals not
5 counted in the 1990 census or revisions of the census. The
6 Secretary shall use the estimates in determining alloca-
7 tions for the payment period beginning after the Secretary
8 receives the estimates. The Secretary shall adjust popu-
9 lation information to reflect adjustments made under sec-
10 tion 118 of the Act of October 1, 1980 (Public Law 96-
11 369, 94 Stat. 1357).

12 “(c) ADDITIONAL DATA LIMITATIONS.—The Sec-
13 retary may not—

14 “(1) in determining an allocation for a payment
15 period, use information on tax collections for years
16 more recent than the years used by the Secretary of
17 Commerce in the most recent Bureau of the Census
18 general determination of State and local taxes made
19 before the beginning of that period; or

20 “(2) consider a change in information used to
21 determine an allocation for a period of 60 months if
22 the change—

23 “(A) results from a major disaster declared
24 by the President under section 401 of The Rob-

1 ert T. Stafford Disaster Relief and Emergency
2 Assistance Act; and

3 “(B) reduces the amount of an allocation.

4 **“§ 6710. Public participation**

5 “(a) HEARINGS.—(1) A unit of general local govern-
6 ment expending payments under this chapter shall hold
7 at least one public hearing on the proposed use of the pay-
8 ment in relation to its entire budget. At the hearing, per-
9 sons shall be given an opportunity to provide written and
10 oral views to the governmental authority responsible for
11 enacting the budget and to ask questions about the entire
12 budget and the relation of the payment to the entire budg-
13 et. The government shall hold the hearing at a time and
14 a place that allows and encourages public attendance and
15 participation.

16 “(2) A unit of general local government holding a
17 hearing required under this subsection or by the budget
18 process of the government shall try to provide senior citi-
19 zens and senior citizen organizations with an opportunity
20 to present views at the hearing before the government
21 makes a final decision on the use of the payment.

22 “(b) DISCLOSURE OF INFORMATION.—(1) By the
23 10th day before a hearing required under subsection
24 (a)(1) is held, a unit of general local government shall—

1 “(A) make available for inspection by the public
2 at the principal office of the government a statement
3 of the proposed use of the payment and a summary
4 of the proposed budget of the government; and

5 “(B) publish in at least one newspaper of gen-
6 eral circulation the proposed use of the payment
7 with the summary of the proposed budget and a no-
8 tice of the time and place of the hearing.

9 “(2) By the 30th day after adoption of the budget
10 under State or local law, the government shall—

11 “(A) make available for inspection by the public
12 at the principal office of the government a summary
13 of the adopted budget, including the proposed use of
14 the payment; and

15 “(B) publish in at least one newspaper of gen-
16 eral circulation a notice that the information re-
17 ferred to in subparagraph (A) is available for inspec-
18 tion.

19 “(c) WAIVERS OF REQUIREMENTS.—Under regula-
20 tions of the Secretary, a requirement—

21 “(1) under subsection (a)(1) may be waived if
22 the budget process required under the applicable
23 State or local law or charter provisions—

1 “(A) ensures the opportunity for public at-
2 tendance and participation contemplated by
3 subsection (a); and

4 “(B) includes a hearing on the proposed
5 use of a payment received under this chapter in
6 relation to the entire budget of the government;
7 and

8 “(2) under subsection (b)(1)(B) and (2)(B)
9 may be waived if the cost of publishing the informa-
10 tion would be unreasonably burdensome in relation
11 to the amount allocated to the government from
12 amounts available for payment under this chapter,
13 or if publication is otherwise impracticable.

14 “(d) EXCEPTION TO 10-DAY LIMITATION.—If the
15 Secretary is satisfied that a unit of general local govern-
16 ment will provide adequate notice of the proposed use of
17 a payment received under this chapter, the 10-day period
18 under subsection (b)(1) may be changed to the extent nec-
19 essary to comply with applicable State or local law.

20 “(e) APPLICATION TO GOVERNMENTS WITHOUT
21 BUDGETS.—The Secretary shall prescribe regulations for
22 applying this section to units of general local government
23 that do not adopt budgets.

1 **“§ 6711. Prohibited discrimination**

2 “(a) GENERAL PROHIBITION.—No person in the
3 United States shall be excluded from participating in, be
4 denied the benefits of, or be subject to discrimination
5 under, a program or activity of a unit of general local gov-
6 ernment because of race, color, national origin, or sex if
7 the government receives a payment under this chapter.

8 “(b) ADDITIONAL PROHIBITIONS.—The following
9 prohibitions and exemptions also apply to a program or
10 activity of a unit of general local government if the govern-
11 ment receives a payment under this chapter:

12 “(1) A prohibition against discrimination be-
13 cause of age under the Age Discrimination Act of
14 1975.

15 “(2) A prohibition against discrimination
16 against an otherwise qualified handicapped individ-
17 ual under section 504 of the Rehabilitation Act of
18 1973.

19 “(3) A prohibition against discrimination be-
20 cause of religion, or an exemption from that prohibi-
21 tion, under the Civil Rights Act of 1964 or title VIII
22 of the Act of April 11, 1968 (popularly known as the
23 Civil Rights Act of 1968).

24 “(c) LIMITATIONS ON APPLICABILITY OF PROHIBI-
25 TIONS.—Subsections (a) and (b) do not apply if the gov-
26 ernment shows, by clear and convincing evidence, that a

1 payment received under this chapter is not used to pay
2 for any part of the program or activity with respect to
3 which the allegation of discrimination is made.

4 “(d) INVESTIGATION AGREEMENTS.—The Secretary
5 shall try to make agreements with heads of agencies of
6 the United States Government and State agencies to in-
7 vestigate noncompliance with this section. An agreement
8 shall—

9 “(1) describe the cooperative efforts to be taken
10 (including sharing civil rights enforcement personnel
11 and resources) to obtain compliance with this sec-
12 tion; and

13 “(2) provide for notifying immediately the Sec-
14 retary of actions brought by the United States Gov-
15 ernment or State agencies against a unit of general
16 local government alleging a violation of a civil rights
17 law or a regulation prescribed under a civil rights
18 law.

19 **“§ 6712. Discrimination proceedings**

20 “(a) NOTICE OF NONCOMPLIANCE.—By the 10th day
21 after the Secretary makes a finding of discrimination or
22 receives a holding of discrimination about a unit of general
23 local government, the Secretary shall submit a notice of
24 noncompliance to the government. The notice shall state
25 the basis of the finding or holding.

1 “(b) INFORMAL PRESENTATION OF EVIDENCE.—A
2 unit of general local government may present evidence in-
3 formally to the Secretary within 30 days after the govern-
4 ment receives a notice of noncompliance from the Sec-
5 retary. Except as provided in subsection (e), the govern-
6 ment may present evidence on whether—

7 “(1) a person in the United States has been ex-
8 cluded or denied benefits of, or discriminated against
9 under, the program or activity of the government, in
10 violation of section 6711(a);

11 “(2) the program or activity of the government
12 violated a prohibition described in section 6711(b);
13 and

14 “(3) any part of that program or activity has
15 been paid for with a payment received under this
16 chapter.

17 “(c) TEMPORARY SUSPENSION OF PAYMENTS.—By
18 the end of the 30-day period under subsection (b), the Sec-
19 retary shall decide whether the unit of general local gov-
20 ernment has not complied with section 6711 (a) or (b),
21 unless the government has entered into a compliance
22 agreement under section 6714. If the Secretary decides
23 that the government has not complied, the Secretary shall
24 notify the government of the decision and shall suspend
25 payments to the government under this chapter unless,

1 within 10 days after the government receives notice of the
2 decision, the government—

3 “(1) enters into a compliance agreement under
4 section 6714; or

5 “(2) requests a proceeding under subsection
6 (d)(1).

7 “(d) ADMINISTRATIVE REVIEW OF SUSPENSIONS.—

8 (1) A proceeding requested under subsection (c)(2) shall
9 begin by the 30th day after the Secretary receives a re-
10 quest for the proceeding. The proceeding shall be before
11 an administrative law judge appointed under section 3105
12 of title 5. By the 30th day after the beginning of the pro-
13 ceeding, the judge shall issue a preliminary decision based
14 on the record at the time on whether the unit of general
15 local government is likely to prevail in showing compliance
16 with section 6711 (a) or (b).

17 “(2) If the administrative law judge decides at the
18 end of a proceeding under paragraph (1) that the unit
19 of general local government has—

20 “(A) not complied with section 6711 (a) or (b),
21 the judge may order payments to the government
22 under this chapter terminated; or

23 “(B) complied with section 6711 (a) or (b), a
24 suspension under section 6713(a)(1)(A) shall be dis-
25 continued promptly.

1 “(3) An administrative law judge may not issue a
2 preliminary decision that the government is not likely to
3 prevail if the judge has issued a decision described in para-
4 graph (2)(A).

5 “(e) BASIS FOR REVIEW.—In a proceeding under
6 subsections (b) through (d) on a program or activity of
7 a unit of general local government about which a holding
8 of discrimination has been made, the Secretary or admin-
9 istrative law judge may consider only whether a payment
10 under this chapter was used to pay for any part of the
11 program or activity. The holding of discrimination is con-
12 clusive. If the holding is reversed by an appellate court,
13 the Secretary or judge shall end the proceeding.

14 **“§ 6713. Suspension and termination of payments in**
15 **discrimination proceedings**

16 “(a) IMPOSITION AND CONTINUATION OF SUSPEN-
17 SIONS.—(1) The Secretary shall suspend payment under
18 this chapter to a unit of general local government—

19 “(A) if an administrative law judge appointed
20 under section 3105 of title 5 issues a preliminary de-
21 cision in a proceeding under section 6712(d)(1) that
22 the government is not likely to prevail in showing
23 compliance with section 6711 (a) and (b);

24 “(B) if the administrative law judge decides at
25 the end of the proceeding that the government has

1 not complied with section 6711 (a) or (b), unless the
2 government makes a compliance agreement under
3 section 6714 by the 30th day after the decision; or

4 “(C) if required under section 6712(c).

5 “(2) A suspension already ordered under paragraph
6 (1)(A) continues in effect if the administrative law judge
7 makes a decision under paragraph (1)(B).

8 “(b) LIFTING OF SUSPENSIONS AND TERMI-
9 NATIONS.—If a holding of discrimination is reversed by
10 an appellate court, a suspension or termination of pay-
11 ments in a proceeding based on the holding shall be dis-
12 continued.

13 “(c) RESUMPTION OF PAYMENTS UPON ATTAINING
14 COMPLIANCE.—The Secretary may resume payment to a
15 unit of general local government of payments suspended
16 by the Secretary only—

17 “(1) as of the time of, and under the conditions
18 stated in—

19 “(A) the approval by the Secretary of a
20 compliance agreement under section
21 6714(a)(1); or

22 “(B) a compliance agreement entered into
23 by the Secretary under section 6714(a)(2);

24 “(2) if the government complies completely with
25 an order of a United States court, a State court, or

1 administrative law judge that covers all matters
2 raised in a notice of noncompliance submitted by the
3 Secretary under section 6712(a);

4 “(3) if a United States court, a State court, or
5 an administrative law judge decides (including a
6 judge in a proceeding under section 6712(d)(1)),
7 that the government has complied with sections
8 6711 (a) and (b); or

9 “(4) if a suspension is discontinued under sub-
10 section (b).

11 “(d) PAYMENT OF DAMAGES AS COMPLIANCE.—For
12 purposes of subsection (c)(2), compliance by a government
13 may consist of the payment of restitution to a person in-
14 jured because the government did not comply with section
15 6711 (a) or (b).

16 “(e) RESUMPTION OF PAYMENTS UPON REVERSAL
17 BY COURT.—The Secretary may resume payment to a unit
18 of general local government of payments terminated under
19 section 6712(d)(2)(A) only if the decision resulting in the
20 termination is reversed by an appellate court.

21 **“§ 6714. Compliance agreements**

22 “(a) TYPES OF COMPLIANCE AGREEMENTS.—A com-
23 pliance agreement is an agreement—

24 “(1) approved by the Secretary, between the
25 governmental authority responsible for prosecuting a

1 claim or complaint that is the basis of a holding of
2 discrimination and the chief executive officer of the
3 unit of general local government that has not com-
4 plied with section 6711 (a) or (b); or

5 “(2) between the Secretary and the chief execu-
6 tive officer.

7 “(b) CONTENTS OF AGREEMENTS.—A compliance
8 agreement—

9 “(1) shall state the conditions the unit of gen-
10 eral local government has agreed to comply with
11 that would satisfy the obligations of the government
12 under sections 6711 (a) and (b);

13 “(2) shall cover each matter that has been
14 found not to comply, or would not comply, with sec-
15 tion 6711 (a) or (b); and

16 “(3) may be a series of agreements that dispose
17 of those matters.

18 “(c) AVAILABILITY OF AGREEMENTS TO PARTIES.—
19 The Secretary shall submit a copy of a compliance agree-
20 ment to each person who filed a complaint referred to in
21 section 6716(b), or, if an agreement under subsection
22 (a)(1), each person who filed a complaint with a govern-
23 mental authority, about a failure to comply with section
24 6711 (a) or (b). The Secretary shall submit the copy by
25 the 15th day after an agreement is made. However, if the

1 Secretary approves an agreement under subsection (a)(1)
2 after the agreement is made, the Secretary may submit
3 the copy by the 15th day after approval of the agreement.

4 **“§ 6715. Enforcement by the Attorney General of pro-**
5 **hibitions on discrimination**

6 “The Attorney General may bring a civil action in
7 an appropriate district court of the United States against
8 a unit of general local government that the Attorney Gen-
9 eral has reason to believe has engaged or is engaging in
10 a pattern or practice in violation of section 6711 (a) or
11 (b). The court may grant—

12 “(1) a temporary restraining order;

13 “(2) an injunction; or

14 “(3) an appropriate order to ensure enjoyment
15 of rights under section 6711 (a) or (b), including an
16 order suspending, terminating, or requiring repay-
17 ment of, payments under this chapter or placing ad-
18 ditional payments under this chapter in escrow
19 pending the outcome of the action.

20 **“§ 6716. Civil action by a person adversely affected**

21 “(a) AUTHORITY FOR PRIVATE SUITS IN FEDERAL
22 OR STATE COURT.—If a unit of general local government,
23 or an officer or employee of a unit of general local govern-
24 ment acting in an official capacity, engages in a practice
25 prohibited by this chapter, a person adversely affected by

1 the practice may bring a civil action in an appropriate dis-
2 trict court of the United States or a State court of general
3 jurisdiction. Before bringing an action under this section,
4 the person must exhaust administrative remedies under
5 subsection (b).

6 “(b) ADMINISTRATIVE REMEDIES REQUIRED TO BE
7 EXHAUSTED.—A person adversely affected shall file an
8 administrative complaint with the Secretary or the head
9 of another agency of the United States Government or the
10 State agency with which the Secretary has an agreement
11 under section 6711(d). Administrative remedies are
12 deemed to be exhausted by the person after the 90th day
13 after the complaint was filed if the Secretary, the head
14 of the Government agency, or the State agency—

15 “(1) issues a decision that the government has
16 not failed to comply with this chapter; or

17 “(2) does not issue a decision on the complaint.

18 “(c) AUTHORITY OF COURT.—In an action under this
19 section, the court—

20 “(1) may grant—

21 “(A) a temporary restraining order;

22 “(B) an injunction; or

23 “(C) another order, including suspension,
24 termination, or repayment of, payments under
25 this chapter or placement of additional pay-

1 ments under this chapter in escrow pending the
2 outcome of the action; and

3 “(2) to enforce compliance with section 6711
4 (a) or (b), may allow a prevailing party (except the
5 United States Government) a reasonable attorney’s
6 fee.

7 “(d) INTERVENTION BY ATTORNEY GENERAL.—In
8 an action under this section to enforce compliance with
9 section 6711 (a) or (b), the Attorney General may inter-
10 vene in the action if the Attorney General certifies that
11 the action is of general public importance. The United
12 States Government is entitled to the same relief as if the
13 Government had brought the action and is liable for the
14 same fees and costs as a private person.

15 **“§ 6717. Judicial review**

16 “(a) APPEALS IN FEDERAL COURT OF APPEALS.—
17 A unit of general local government which receives notice
18 from the Secretary about withholding payments under sec-
19 tion 6703(c), suspending payments under section
20 6713(a)(1)(B), or terminating payments under section
21 6712(d)(2)(A), may apply for review of the action of the
22 Secretary by filing a petition for review with the court of
23 appeals of the United States for the circuit in which the
24 government is located. The petition shall be filed by the
25 60th day after the date the notice is received. The clerk

1 of the court shall immediately send a copy of the petition
2 to the Secretary.

3 “(b) FILING OF RECORD OF ADMINISTRATIVE PRO-
4 CEEDING.—The Secretary shall file with the court a
5 record of the proceeding on which the Secretary based the
6 action. The court may consider only objections to the ac-
7 tion of the Secretary that were presented before the Sec-
8 retary.

9 “(c) COURT ACTION.—The court may affirm, change,
10 or set aside any part of the action of the Secretary. The
11 findings of fact by the Secretary are conclusive if sup-
12 ported by substantial evidence in the record. If a finding
13 is not supported by substantial evidence in the record, the
14 court may remand the case to the Secretary to take addi-
15 tional evidence. Upon such a remand, the Secretary may
16 make new or modified findings and shall certify additional
17 proceedings to the court.

18 “(d) REVIEW ONLY BY SUPREME COURT.—A judg-
19 ment of a court under this section may be reviewed only
20 by the Supreme Court under section 1254 of title 28.

21 **“§ 6718. Audits, investigations, and reviews**

22 “(a) INDEPENDENT AUDIT.—(1) Except as provided
23 in this section, a unit of general local government that
24 receives a payment under this chapter shall have an inde-
25 pendent audit made of the financial statements of the gov-

1 ernment at least as often as is required by paragraph (2)
2 to determine compliance with this chapter. The audit shall
3 be carried out under generally accepted government audit-
4 ing standards issued by the Comptroller General of the
5 United States.

6 “(2) Paragraph (1) does not apply to a unit of gen-
7 eral local government for a fiscal year in which the govern-
8 ment receives less than \$25,000 under this chapter. A unit
9 of general local government which receives at least
10 \$25,000 but not more than \$100,000 under this chapter
11 for a fiscal year shall have an audit made in accordance
12 with paragraph (1) at least once every 3 years. A govern-
13 ment which receives more than \$100,000 under this chap-
14 ter for a fiscal year shall have an audit made in accord-
15 ance with paragraph (1) for such fiscal year, except that,
16 if the government operates on a biennial fiscal period, such
17 audit may be made biennially but shall cover the financial
18 statement or statements for, and compliance with the re-
19 quirements of the chapter during, both years within such
20 period.

21 “(3) An audit of financial statements of a unit of gen-
22 eral local government carried out under another law of the
23 United States for a fiscal year is deemed to be in compli-
24 ance with paragraph (1) for that year if the audit substan-
25 tially complies with the requirements of paragraph (1).

1 “(b) WAIVER BY LOCAL GOVERNMENT.—A unit of
2 general local government may waive application of sub-
3 section (a)(1) if—

4 “(1) the financial statements of the government
5 are audited by independent auditors under State or
6 local law at least as often as would be required by
7 subsection (a)(2);

8 “(2) the government certifies that the audit is
9 carried out under generally accepted auditing stand-
10 ards issued by the Comptroller General of the
11 United States;

12 “(3) the auditing provisions of the State or
13 local law are applicable to the payment period to
14 which the waiver applies; and

15 “(4) the government submits to the Secretary a
16 brief description of the auditing standards used
17 under the relevant State or local law and specifica-
18 tion of the payment period to which the waiver
19 applies.

20 “(c) WAIVER BY SECRETARY.—Under regulations of
21 the Secretary, the Secretary may waive any requirement
22 under subsection (a)(1) or (b) for a unit of general local
23 government for a fiscal year if the Secretary decides that
24 the financial statements of the government for the year—

1 “(1) cannot be audited, and the government
2 shows substantial progress in making the statements
3 auditable; or

4 “(2) have been audited by a State agency that
5 does not follow generally accepted auditing stand-
6 ards issued by the Comptroller General of the Unit-
7 ed States or that is not independent, and the State
8 agency shows progress in meeting those auditing
9 standards or in becoming independent.

10 “(d) SERIES OF AUDITS.—A series of audits carried
11 out over a period of not more than 3 years covering the
12 total amount in the financial accounts of a unit of general
13 local government is deemed to be a single audit under sub-
14 sections (a)(1) and (b) of this section.

15 “(e) AUDIT OPINION.—An opinion of an audit car-
16 ried out under this section shall be provided to the Sec-
17 retary in the form and at times required by the Secretary.
18 No later than 30 days following the completion of the
19 audit, the unit of general local government shall make the
20 audit report available for public inspection.

21 “(f) INVESTIGATIONS BY SECRETARY.—(1) The Sec-
22 retary shall maintain regulations providing reasonable and
23 specific time limits for the Secretary to—

24 “(A) carry out an investigation and make a
25 finding after receiving a complaint referred to in sec-

1 tion 6716(b), a determination by a State or local ad-
2 ministrative agency, or other information about a
3 possible violation of this chapter;

4 “(B) carry out audits and reviews (including in-
5 vestigations of allegations) about possible violations
6 of this chapter; and

7 “(C) advise a complainant of the status of an
8 audit, investigation, or review of an allegation by the
9 complainant of a violation of section 6711 (a) or (b)
10 or other provision of this chapter.

11 “(2) The maximum time limit under paragraph
12 (1)(A) is 90 days.

13 “(g) **REVIEWS BY COMPTROLLER GENERAL.**—The
14 Comptroller General of the United States shall carry out
15 reviews of the activities of the Secretary, State govern-
16 ments, and units of general local government necessary
17 for the Congress to evaluate compliance and operations
18 under this chapter.

19 **“§ 6719. Reports**

20 “(a) **REPORTS BY SECRETARY OF TREASURY TO**
21 **CONGRESS.**—Before June 2 of each year, the Secretary
22 personally shall report to the Congress on—

23 “(1) the status and operation of the Local Gov-
24 ernment Fiscal Assistance Fund during the prior fis-
25 cal year; and

1 “(2) the administration of this chapter, includ-
2 ing a complete and detailed analysis of—

3 “(A) actions taken to comply with sections
4 6711 through 6715, including a description of
5 the kind and extent of noncompliance and the
6 status of pending complaints;

7 “(B) the extent to which units of general
8 local government receiving payments under this
9 chapter have complied with sections 6702 and
10 6718(a), (b), and (d), including a description of
11 the kind and extent of noncompliance and ac-
12 tions taken to ensure the independence of au-
13 dits conducted under section 6718(a), (b), and
14 (d);

15 “(C) the way in which payments under this
16 chapter have been distributed in the jurisdic-
17 tions receiving payments; and

18 “(D) significant problems in carrying out
19 this chapter and recommendations for legisla-
20 tion to remedy the problems.

21 “(b) REPORTS BY UNITS OF GENERAL LOCAL GOV-
22 ERNMENT TO SECRETARY OF TREASURY.—(1) At the end
23 of each fiscal year, each unit of general local government
24 which received a payment under this chapter for the fiscal
25 year shall submit a report to the Secretary. The report

1 shall be submitted in the form and at a time prescribed
2 by the Secretary and shall be available to the public for
3 inspection. The report shall state—

4 “(A) the amounts and purposes for which the
5 payment has been appropriated, expended, or obli-
6 gated in the fiscal year;

7 “(B) the relationship of the payment to the rel-
8 evant functional items in the budget of the govern-
9 ment; and

10 “(C) the differences between the actual and
11 proposed use of the payment.

12 “(2) The Secretary shall provide a copy of a report
13 submitted under paragraph (1) by a unit of general local
14 government to the chief executive officer of the State in
15 which the government is located. The Secretary shall pro-
16 vide the report in the manner and form prescribed by the
17 Secretary.

18 “(c) REGULATIONS.—The Secretary shall prescribe
19 regulations for applying this section to units of general
20 local government that do not adopt budgets.

21 **“§ 6720. Definitions and application**

22 “(a) DEFINITIONS.—In this chapter—

23 “(1) ‘unit of general local government’ means—

24 “(A) a county, township, city, or political
25 subdivision of a county, township, or city, that

1 is a unit of general local government as deter-
2 mined by the Secretary of Commerce for gen-
3 eral statistical purposes; and

4 “(B) the District of Columbia and the rec-
5 ognized governing body of an Indian tribe or
6 Alaskan Native village that carries out substan-
7 tial governmental duties and powers;

8 “(2) ‘payment period’ means each 1-year period
9 beginning on October 1 of 1994 and 1995;

10 “(3) ‘State and local taxes’ means taxes im-
11 posed by a State government or unit of general local
12 government or other political subdivision of a State
13 government for public purposes (except employee
14 and employer assessments and contributions to fi-
15 nance retirement and social insurance systems and
16 other special assessments for capital outlay) as de-
17 termined by the Secretary of Commerce for general
18 statistical purposes;

19 “(4) ‘State’ means any of the several States
20 and the District of Columbia;

21 “(5) ‘income’ means the total money income re-
22 ceived from all sources as determined by the Sec-
23 retary of Commerce for general statistical purposes;

24 “(6) ‘per capita income’ means—

1 “(A) in the case of the United States, the
2 income of the United States divided by the pop-
3 ulation of the United States;

4 “(B) in the case of a State, the income of
5 that State, divided by the population of that
6 State; and

7 “(C) in the case of a unit of general local
8 government, the income of that unit of general
9 local government divided by the population of
10 the unit of general local government;

11 “(7) ‘finding of discrimination’ means a deci-
12 sion by the Secretary about a complaint described in
13 section 6716(b), a decision by a State or local ad-
14 ministrative agency, or other information (under
15 regulations prescribed by the Secretary) that it is
16 more likely than not that a unit of general local gov-
17 ernment has not complied with section 6711 (a) or
18 (b);

19 “(8) ‘holding of discrimination’ means a holding
20 by a United States court, a State court, or an ad-
21 ministrative law judge appointed under section 3105
22 of title 5, that a unit of general local government ex-
23 pending amounts received under this chapter has—

24 “(A) excluded a person in the United
25 States from participating in, denied the person

1 the benefits of, or subjected the person to dis-
2 crimination under, a program or activity be-
3 cause of race, color, national origin, or sex; or

4 “(B) violated a prohibition against dis-
5 crimination described in section 6711(b); and

6 “(9) ‘Secretary’ means the Secretary of the
7 Treasury.

8 “(b) TREATMENT OF SUBSUMED AREAS.—If the en-
9 tire geographic area of a unit of general local government
10 is located in a larger entity, the unit of general local gov-
11 ernment is deemed to be located in the larger entity. If
12 only part of the geographic area of a unit is located in
13 a larger entity, each part is deemed to be located in the
14 larger entity and to be a separate unit of general local
15 government in determining allocations under this chapter.
16 Except as provided in regulations prescribed by the Sec-
17 retary, the Secretary shall make all data computations
18 based on the ratio of the estimated population of the part
19 to the population of the entire unit of general local govern-
20 ment.

21 “(c) BOUNDARY AND OTHER CHANGES.—If a bound-
22 ary line change, a State statutory or constitutional change,
23 annexation, a governmental reorganization, or other cir-
24 cumstance results in the application of sections 6704
25 through 6708 in a way that does not carry out the pur-

1 poses of sections 6701 through 6708, the Secretary shall
 2 apply sections 6701 through 6708 under regulations of the
 3 Secretary in a way that is consistent with those
 4 purposes.”.

5 (b) DEFICIT NEUTRALITY.—Any appropriation to
 6 carry out the amendment made by this Act to title 31,
 7 United States Code, for fiscal year 1995 or 1996 shall
 8 be offset by cuts elsewhere in appropriations for that fiscal
 9 year.

10 **SEC. 903. CLERICAL AMENDMENT.**

11 The table of chapters at the beginning of subtitle V
 12 of title 31, United States Code, is amended by adding at
 13 after the item relating to chapter 65 the following:

“67. Federal Payments 6701”.

14 **TITLE X—MISCELLANEOUS**

15 **SEC. 1001. MULTIJURISDICTIONAL GANG TASK FORCES.**

16 Section 504(f) of title I of the Omnibus Crime Con-
 17 trol and Safe Streets Act of 1968 is amended by inserting
 18 “or multijurisdictional gang task forces” after “drug task
 19 forces”.



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